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AUTHOR Mirsky, Michael E.; And Others
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ABSTRACT

The objective of the survey was to identify and describe all significant public programs providing educational services for handicapped children in New York State. Data were gathered on the purposes of each state program under which handicapped children receive services, characteristics of children served, distribution of services throughout the state, and program costs. Programs of seven state agencies providing services to handicapped children from birth to 21 years were analyzed: the Department of Education, Department of Mental Hygiene, Department of Health, Department of Social Services, Department of Correctional Services, Division for Youth, and the State University. Problems uncovered by the survey include inconsistent and contradictory state legislation, lack of program evaluation, and weak overall program leadership and coordination. (KW)

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Survey of New York State Programs for the Education of Handicapped Children

EC 040 689

Prepared for the Program Analysis Review Committee in Cooperation with the Department of Education

March, 1971

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SURVEY OF NEW YORK STATE PROGRAMS FOR THE EDUCATION OF HANDICAPPED CHILDREN

Prepared For The Program Analysis Review Committee In Cooperation With The Department Of Education

March 1971

SURVEY STAFF

Michael E. Mirsky, Chief Research Consultant
Justin C. Beck, Research Associate
Paul M. Whitaker, Legal Research Associate

Stephen M. Fletcher, Division of the Budget

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INTRODUCTION

This landmark report on New York State programs for educational services for the handicapped children springs from the continuing interest of the Educatior Department and other state agencies in improving these services and the attention of the New York State Program Analysis Review Committee (PARC). The primary objective of the report is to identify and describe all significant public programs for handicapped children.

PARC -- composed of representatives of the Division of the Budget, the Office of the Secretary to the Governor, the Governor's Counsel, and the Office of Planning Coordination -- was formed in late 1969 to emphasize the need for examination of difficult program problems confronting State agencies. The committee's goal from the outset has been to work with State operating agencies to identify stubborn policy and program issues, stimulate analysis of their causes, and design alternative solutions to eliminate or soften the impact of these problems.

At its first meeting in December 1969, the committee expressed concern over the apparent lack of overall program planning to guide the development of a unified State program to provide education for handicapped children. The Deputy Budget Director -- as chairman of the committee -- pointed out that review was needed to appraise the effectiveness and consistency of State programs authorized to educate handicapped children. He pointed out that particular attention should be focused on the effects of

Section 4407 of the Education Law, which many State officials believe has discouraged local school districts from mounting programs to educate their handicapped children.

We believe this report -- prepared over many months with the assistance of numerous officials -- marks a major first step in the evaluation and overhaul of these programs. Through exhaustive fact-finding, the report presents basic information on the purposes of each State program under which handicapped children receive educational services; the characteristics of the children served; the distribution of these services throughout the State; and the costs of each program. This information is the most accurate available. Nonetheless, the reader should recognize that data for the report was gathered from many sources, whose approaches to record-keeping were not always completely consistent. In some cases, best estimates had to be used where specific data was not obtainable.

The report includes essential program information for analysis and planning, as well as insights into discrepancies and gaps among these programs. We hope this information can be used as the foundation for a soundly-designed pattern of State programs to educate handicapped children.

SURVEY SUMMARY

General Findings

The State of New York and local school districts in the State have allocated substantial resources for educating handicapped children -- $495, 921, 000 in 1969-1970, with the State contributing $131, 346, 000 including Federal assistance and the local school districts spending $364, 575, 000. A significant proportion of school age children in the State -- 283, 100, or 6% -- are benefiting under these programs.

The survey team saw little evidence that the State has developed management and program evaluation systems to assure effective administration of this large-scale program. Instead of a comprehensive pattern of educational services for handicapped children, we found a crazy-quilt of individual programs, with few signs that individual programs had been designed to support or supplement related programs to educate handicapped children.

Reform of this patchwork is a formidable undertaking. Certain specific issues could probably be resolved quickly, but fundamental improvement cannot take place without dramatic changes in approach by some State agencies. There is a pressing need to view the many programs to educate handicapped children not as separate, isolated activities, but as parts of a massive State and local program to provide these services. This objective can only be accomplished by a strong attack on the problems uncovered through this survey: inconsistent and contradictory legislation, lack of program evaluation, and weak overall program leadership.

Highlights of the Survey

This survey indentified seven State agencies that provide educational services to handicapped children from birth to 21 years. These agencies are: the Department of Education; the Department of Mental Hygiene; the Department of Health; the Department of Social Services; the Department of Correctional Services; the Division for Youth; and the State University.

Direct programs for education of handicapped children are carried on through the Department of Education and Mental Hygiene. The remaining agencies with educational programs for handicapped children are primarily responsible for other services -- medical treatment, occupational training, social rehabilitation -- and provide education to support their primary objectives. The State University carries out limited direct education of handicapped children, but plays an important role in training Special Education teachers. The tables following this section summarize these programs by handicap, show the number of children served, and give program costs by agency.

The survey team was surprised to find that the educational programs of the Department of Mental Hygiene's schools for the mentally retarded are operated independent of the Commissioner of Education, even though these schools probably should be subject to the same regulations as other state-operated schools since they are partially funded by P. L. 89-313 (Federal) and have access to funds allocated under Section 4407 of Article 89 of the Education Law.

Similarly, the skills and vocational education programs conducted by the Department of Social Services, the Department of Correctional Services, and the Division for Youth, showed limited emphasis on coordination with the regular local and BOCES educational programs to which these children may return once they have completed their special education. One specific example of this lack of continuity is the minor role played by the Department of Education's Office of Vocational Rehabilitation in the design and operation of rehabilitation programs administered by other State agencies. Also, the Department of Health operates educational programs within hospitals for bed-ridden handicapped children supported in part by Federal funds allocated through the Department of Education, but Education has little part in the design or operation of these programs.

There are special educational programs for handicapped children in all regions in the State. The "Big Six" cities operate their own facilities and programs for handicapped children, while the smaller districts have the alternative of operating their own special programs or purchasing educational services from BOCES. It is generally believed by the survey team that the BOCES -- with their specialized facilities -- provide service for handicapped children that vary from region to region.

In many cases, severely or multiply handicapped children cannot attend public school or BOCES programs. For these children, educational services in State or private schools are available, although the quality of these services may be uneven.

There is a wide gulf between the cost per child of educational services for handicapped children in the "Big Six" cities and the remaining districts. This discrepancy is due primarily to the ineligibility of the Big Six for BOCES programs. As a consequence, these cities -- which include two-thirds of the State's handicapped children -- must bear the costs of these programs with limited State aid, while all other districts are eligible for substantial reimbursement of costs for State-approved educational programs for handicapped children through BOCES. A large cost burden is thereby placed on the State's major cities -- which may be in a poor financial position to support high-quality programs for handicapped children.

The handicapped children served by special education programs are identified by medical or psychological diagnoses performed by the various State and local operating agencies. In most cases, the same agency is responsible for diagnosis, program operation, and evaluation of program effectiveness. With this general lack of independent overview, there is a likelihood that availability of materials, staff, facilities, and other resources may influence the diagnostic process and prescribed services as much as the actual condition of the handicapped child. Moreover, there are no agreed-upon diagnostic guidelines to assure effective or consistent detection of a handicapped child and provision of appropriate education at an early stage.

Evaluation -- the assessment of program effectiveness -- is always a vital aspect of program development and design. For complex, multi-faceted programs such as education of the handicapped, program evaluation

is particularly important. Nonetheless, the survey disclosed little evidence that programs to educate handicapped children are benefiting from solid evaluation. This finding is especially critical because evaluation reports for some programs are required by law. Apart from the legal considerations, lack of systematic evaluation suggests strongly that there is an absence of first-hand information on program activities to guide modification of existing programs and development of new programs to educate handicapped children.

The appendix to this report includes a detailed discussion of problems in State legislation authorizing programs of education for handicapped children. This analysis indicates that these provisions have established a fragmented pattern of services among many state agencies, even though Article 89, Section 4402 of the Education Law, requires the Commissioner of Education:

1. To maintain a register of handicapped children and to use all means and measures necessary to adequately meet the physical and educational needs of such children, as provided by law.

2. To stimulate all private and public efforts designed to relieve, care for, cure or educate handicapped children and to coordinate such efforts with the work and function of governmental agencies.

3. To formulate such rules and regulations pertaining to the physical and educational needs of such children as the Commissioner of Education shall deem to be in their best interests.

The implications of this legislative review -- and the data collected by this survey suggesting weak comprehensive State control over programs to educate handicapped children -- point strongly to the need for the Department of Education to strengthen its leadership and management over these programs.

NUMBER OF HANDICAPPED CHILDREN IN NEW YORK STATE RECEIVING EDUCATIONAL SERVICES BY AGENCY, WITH FUNDING AND NUMBER OF PROGRAMS

1969-1970

Agency	Number of Programs	Number Served*	Funding
Education	22	241, 559	454, 790, 247
Mental Hygiene	3	6, 784	7, 816, 138
Health	3	32, 841	32, 069, 894
Correction	2	212	850, 000
Social Services	2	480	253, 000
Youth	2	1, 225	141, 901
State University of N.Y.	2	98	Not Reported
Total	36	283, 199	495, 921, 180

* Unduplicated count

ESTIMATED UNDUPLICATED COUNT OF CHILDREN
SERVED IN EDUCATIONAL PROGRAMS FOR THE HANDICAPPED BY CATEGORY
OF HANDICAP, BY AGENCY AND BY PROGRAM*

1969-1970

Programs within State Departments	HANDICAP									
	TMR	EMR	SED	Hearing Impaired	Visually Impaired	Physically Handicapped	NI	SI	All or Other	Totals
Mental Hygiene										
State Schools	4424	-	-	-	-	-	-	-	-	4424
State Hospitals	-	-	2360	-	-	-	-	-	-	2360
Health										
Hospital Patients	8	-	-	-	-	50	10	-	27	95
Medical Rehabilitation	-	-	-	-	-	32000	-	746	-	32746
Correctional Services										
Rehabilitation Programs	-	30	182	-	-	-	-	-	-	212
Social Services										
Training Schools	-	-	180	-	-	-	-	-	-	180
Consultation Services	-	-	-	-	300	-	-	-	-	300
Division for Youth										
Recreation Program	-	-	-	-	-	1050	-	-	-	1050
Residential Schools	-	-	175	-	-	-	-	-	-	175
State University										
Demonstration Classes	78	-	20	-	-	-	-	-	-	98
Subtotals	4510	30	2917	-	300	33100	10	746	27	41640

* This table includes State agencies other than the Education Department that operate programs for Handicapped Children.

ESTIMATED UNDUPLICATED COUNT OF CHILDREN SERVED IN EDUCATIONAL PROGRAMS FOR THE HANDICAPPED BY CATEGORY OF HANDICAP, BY AGENCY AND BY PROGRAM*

1969-1970

Program Within State Departments	HANDICAP									
	TMR	EMR	SED	Hearing Impaired	Visually Impaired	Physically Handicapped	NI	SI	All or Other	Totals
Education										
Public School Programs	6315	35236	20299	2103	1073	9237	834	112054	-	187,151
BOCES Programs	2910	6032	2121	403	547	448	3562	7210	-	23233
Vocational Rehabilitation(a)	-	1680	1120	560	560	5040	1120	-	1120	11200
Occupational Education	-	-	-	-	-	-	-	-	5935	5935
Private Schools-Deaf&Blind	-	-	-	1706	333	-	-	-	-	2039
State Schools-Deaf&Blind	-	-	-	240	180	-	-	-	-	420
Out of State-Deaf-Blind	-	-	-	3	-	-	-	-	-	3
Readers Aid-Deaf&Blind	-	-	-	15	225	-	-	-	-	240
Human Resources School	-	-	-	-	-	153	-	-	-	153
4403-Court Orders	5	44	12	445	104	219	283	44	20	1176
4407-Non Public Schools	2172	250	1465	37	85	371	877	-	-	5257(b)
Institutional Schools	-	-	2000	-	-	-	-	-	-	2000
Orphan Asylums	-	-	-	-	-	-	-	-	2752	2752
Sub Totals	11402	43242	27017	5512	3107	15468	6676	119308	9827	241559
Grand Total										283199

*NOTE: The children served by following programs are already accounted for in the Grand Total Count of Children:

ESEA Title I
ESEA Title III
ESEA Title VI-A
P. L. 89-313
Urban Education

a) Estimated Figures

b) Most cases are multihandicapped. Identification is by primary handicap.

GLOSSARY OF HANDICAPPED TERMS

Trainable Mentally Retarded (TMR):

Refers to those individuals whose I.Q. falls within 25-50 range, are unable to profit from typical educational approaches and usually possess self-care skills.

Educable Mentally Retarded (EMR):

Refers to an individual whose I.Q. falls within 50-75 range and is able to profit somewhat from education, and can be self-supporting.

Severely Emotionally Disturbed (SED):

Refers to an individual with emotional problems severe enough to prevent them from making the necessary adjustments for effective functioning in the culture.

Hearing Impaired (HI):

Refers to individuals who experience a loss of hearing, but have some hearing which is usable; or who are completely unable to hear, or who possess a serious deficiency in hearing dating from before the age at which the comprehension of speech is normally acquired.

Visually Impaired (VI):

Refers to individuals who cannot read normal print and need to use large print and/or recorded materials; or who need to use Braille or recorded materials.

Physically Handicapped (PH):

Refers to individuals who have a disruption of normal bodily functions due to some intervening pathological process other than mental.

Speech Impaired (SI):

Refers to individuals who possess a disorder at the verbal level that interferes with communication, calls attention to itself, and causes its possesser to be maladjusted.

Neurologically Impaired (NI):

Refers to those individuals who have a disorder in one or more of the basic psychological processes involved in understanding or in using language spoken or written; the disorder may manifest itself in imperfectibility to listen, think, speak, read, write, spell, or to do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunctions, dyslexia, and developmental aphasia.

DEPARTMENT OF MENTAL HYGIENE
Educational Programs for Handicapped Children
1969-1970

Introduction

General Department Responsibility

The Department of Mental Hygiene operates a system of state hospitals and state schools to provide services for mentally retarded and emotionally disturbed children through the combined efforts of state and local government services and facilities, voluntary agencies and private practitioners. The Department provides education, treatment, and rehabilitation for mentally handicapped and emotionally disturbed children ages 3 to 21. The department functions as the administrative center for the formulation of state-wide mental health policy and integration of resources at the state and local level. The services operated by the department include State mental hospitals, State schools for retarded children, and community mental health services. Because of the large need for mental health programs throughout the State, the Department engages in many indirect services such as research, professional training, and public education.

Catalogue of Programs

The State Department of Mental Hygiene administers three programs which, either directly or indirectly, provide educational services for handicapped children. The Department provides services for three categories of handicap; mentally retarded, ages 3 to 21; emotionally disturbed, ages 5 to 21; and multiple handicapped, ages 3 to 21.

1) Education Program for Children in State Hospitals

Legal Basis - Mental Hygiene Law, Chapter 95, Section 60

2) Education Programs in State Schools for the Retarded

Legal Basis - Mental Hygiene Law, Chapter 95, Section 60

3) Community Mental Health Program

Legal Basis - Community Mental Health Services Act (1964)

Services

Direct Educational Services

The Department operates two direct educational programs for handicapped children in New York State. These programs are provided within the confines of 19 state hospitals for emotionally disturbed and 12 state schools for mentally retarded. The educational programs serve children from ages 5 to 21 in both of these programs.

The State hospitals are briefly described below: (Figures accurate as of July 6, 1970)

1) Binghamton State Hospital
9 Full-time teachers, 1 part-time teacher, 85 children served

2) Bronx State Hospital
7 Full-time teachers, 21 children served

3) Buffalo State Hospital
6 Full-time teachers, 80 children served

4) Central Islip State Hospital
7 Full-time teachers, 60 children served

5) Creedmoor State Hospital
4 Full-time teachers, 65 children served

6) Gowanda State Hospital
2 Full-time teachers, 28 children served

7) Hudson River State Hospital
11 Full-time teachers, 142 children served

8) Kings Park State Hospital
24 Full-time teachers, 199 children served

9) Manhattan State Hospital
14 Full-time teachers, 45 children served

10) Marcy State Hospital
12 Full-time teachers, 3 part-time teachers, 119 children served

11) Middletown State Hospital
10 Full-time teachers, 187 children served

12) Northeast Nassau State Hospital
9 Full-time teachers, 2 part-time teachers, 73 children served

13) Pilgrim State Hospital
3 Full-time teachers, 47 children served

14) Queens State Hospital
35 Full-time teachers, 428 children served

15) Rochester State Hospital
10 Full-time teachers, 1 part-time teachers, 70 children served

16) Rockland State Hospital
45 Full-time teachers, 500 children served

17) Sagamore State Hospital
16 Full-time teachers, 1 part-time teacher, 154 children served

18) St. Lawrence State Hospital
1 Full-time teacher, 39 children served

19) Willard State Hospital
1 Full-time teacher, 18 children served

The State schools are briefly described below: (Figures accurate as of July 6, 1970)

1) Craig State School; Sonyea, N.Y.
24 Full-time teachers, 4 aides, 1 part-time teacher, 257 children served

2) Letchworth Village; Thiells, N.Y.
43 Full-time teachers, 3 aides, 1 part-time teacher, 349 children served

3) Newark State School; Newark, N.Y.
47 Full-time teachers, 1 aide, 548 children served

4) Rome State School; Rome, N.Y.
66 Full-time teachers, 1 aide, 552 children served

5) Suffolk State School; Melville, N.Y.
26 Full-time teachers; 200 children served

6) Sunmount State School; Tupper Lake, N.Y.
16 Full-time teachers, 1 part-time teacher, 138 children served

7) Syracuse State School; Syracuse, N.Y.
22 Full-time teachers, 188 children served

8) Wassaic State School; Wassaic, N.Y.
77 Full-time teachers, 549 children served

9) West Seneca State School; West Seneca, N.Y.
43 Full-time teachers, 590 children served

10) J.N. Adam Hospital, Division of West Seneca State School; Perrysburg, N.Y.
7 Full-time teachers, 48 children served

11) Willowbrook State School; Staten Island, N.Y.
145 Full-time teachers, 2 aides, 955 children served

12) Wilton State School; Wilton, N.Y.
8 Full-time teachers, 50 children served

Indirect Educational Services

The Department is involved in several community services programs through the Division of Local Services. The Department provides financial and administrative assistance to the Local Community Mental Health Boards which operate training programs for mentally retarded and

multiply handicapped children ages 3 through 21. These programs are provided for these children in their own homes, day training centers, halfway houses, and hostels. Due to the fact that these comprehensive community service programs are administered by local agencies rather than by the Department of Mental Hygiene an accurate catalogue of educational programs is not available.

Program Summary

Educational Program for Children in State Hospitals

Nineteen State hospitals offer educational programs for emotionally disturbed children. The Bureau for Education of the Division of Mental Retardation and children's services administers this program. Educational programs are provided to the emotionally disturbed children between the ages of 5 and 21 who are residing in the hospitals. The objective of this program is to provide training to these children so that they may adjust to the demands of everyday living to their fullest extent. In the 1969 school year there were 2, 360 children served by 22 full-time teachers. The total cost of the program for the 1969-70 fiscal year was $2, 268, 201 (Including State and Federal funds). Sixty percent of this cost was shared by the State and 40% by the Federal government.

Education Program in State Schools for the Retarded

Twelve State Schools provide educational programs for mentally retarded children who reside in these schools. This program is also administered by the Bureau for Education of the Division of Mental Retardation. The objective of this program is to help the mentally

retarded children toward normal living through education and training. In 1969 there were 4, 424 children between the ages of 5 and 21 served by this program. During the 1969-70 fiscal year the total program cost of $5, 547, 937 was shared 67% by the State and 33% by the Federal government. There were 524 full-time teachers and 11 aides and 3 part time teachers involved in the program during the 1969-70 school year.

Community Mental Health Program

This program is administered by local Community Mental Health Boards usually through voluntary agencies. The program serves mentally retarded and multiply handicapped children who, for some reason, are not involved in or do not qualify for other established programs. Children are eligible between the ages of 3 and 21. The objectives of the program are to teach social competence and elementary academics and to teach work skills to adolescents. These programs are provided through private homes, day training centers, halfway houses, and hostels. The Department of Mental Hygiene reimburses the local agencies between 50% and 75% of the operating deficit of the programs. The remainder of the operating costs come from voluntary funds and tax money. Because of the complexity and size of this program it is not possible to determine the exact number of children involved or the total cost of the program.

DEPARTMENT OF MENTAL HYGIENE
EDUCATIONAL PROGRAMS FOR HANDICAPPED CHILDREN

1969-1970

Program	Category of Handicap	Number Served	Age Range	Service Facilities	Funding Source
Educational Services in State Schools	Mentally Retarded	4,424	5-21	12 Residential State Schools	3,705,272[a] 1,842,665[b]
Educational Services in State Hospitals	Emotionally Disturbed	2,360	5-21	19 Residential State Hospitals	1,363,260[a] 904,941[b]
Community Mental Health Programs	All Categories of Mental and Physical Handicaps	c	3-21	Community Mental Health Clinics	c

[a] State Funds

[b] Federal Funds

[c] Not Reported

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DEPARTMENT OF HEALTH
Educational Programs for Handicapped Children
1969-1970

Introduction

General Department Responsibility

The Department of Health has general responsibility for providing the environmental and health services necessary for the protection of the health and well-being of residents of New York State through services and research. The department does not run specialized educational programs for handicapped children, but these children are served as a part of the child population of New York State rather than as a special category. In the process of developing health oriented programs for children, the department personnel take into account, the needs of all categories of handicapped children. Educational programs are provided for physically handicapped children who are confined to hospitals for long periods of time. Medical services are provided, which enhance the ability of handicapped children to gain a normal education.

Catalogue of Programs

The Department of Health administers three programs that provide educational and education-related services to handicapped children. Services are primarily developed for the physically handicapped child, but T.B. cases, neurologically impaired, speech impaired and hard of hearing children are provided with medical treatment.

1) New York State Rehabilitation Hospital

Legal Basis - Public Health Law, Article 26, Sections 2600-2602, Sections 25

2) Education of Tuberculosis Patients

Legal Basis - Public Health Law, Article 21

3) Medical Rehabilitation Program

Legal Basis - Public Health Law, Article 25, Sections 660-661, Sections 2580-2584

Services

Direct Educational Services

A varying number of physically handicapped, trainable mentally retarded, and learning disabled children are provided with individually prescribed educational programs while undergoing corrective and rehabilitative treatment at the NYS Rehabilitation Hospital in West Haverstraw, N. Y. The Hospital School is part of the local school district. The children range from 3-21 years old. Tuberculosis patients are provided with bed-side teaching while being confined in a T. B. Hospital. This program prevents T. B. patients from losing academic ground during convalescence.

Twenty seven children ranging from 5-18 years old were served by this program during 1969-70 school year. The programs are described below:

1) N.Y.S. Rehabilitation Hospital, West Haverstraw, N.Y.; Individually prescribed bed-side instruction is provided for children between 3 and 21 years old who are undergoing medical or surgical correction for physical disabilities. Sixty eight children were served during the 1969-70 school year.

2) Tuberculosis Hospitals: Homer Folks Hospital, Oneonta, N.Y., 13820; Mount Morris Hospital, Mount Morris, N.Y. 14510; Raybrook Hospital, Raybrook, N.Y., 12977; Individualized bed-side instruction is provided for children 5-21 years old who have been hospitalized to convalesce from the effects of Tuberculosis. During the 1969-70 school year, 27 children were served.

Indirect Educational Services

The Medical Rehabilitation Program is a state wide project which provides diagnosis, treatment and rehabilitation services through medical and related techniques. These services are designed to ameliorate physical defects or disabilities in order that the child may function more effectively. Speech therapy and hearing aides are made available through Health Department supported Speech and Hearing Clinics.

Program Summary

N.Y. State Rehabilitation Hospital

The New York State Rehabilitation Hospital performs a two-fold educational function. Physically handicapped children are provided with medical rehabilitation services which increase their ability to function in the community and school setting. During the rehabilitation process, the children are provided with instruction in order to maintain grade-level performance. During the 1969-70 school year, 68 trainable

mentally retarded, physically handicapped and learning disabled children from 3-21 years old were served by this program.

Education of Tuberculosis Patients

Three Tuberculosis Hospitals provide bed-side instruction to patients who are convalescing from T.B. The purpose of this program is to continue elementary and secondary education while children are in the hospital. During the 1969-70 school year, 27 children were served from 5-21 years old.

Medical Rehabilitation Program

The Medical Rehabilitation Program is a comprehensive diagnosis and treatment program for physically handicapped, hearing and speech impaired children throughout the State. Services are provided in State and County health clinics. This program provides indirect educational services in that treatment for speech, hearing and physical defects make it possible for the handicapped child to function better in the regular school situation.

DEPARTMENT OF HEALTH
EDUCATIONAL PROGRAMS FOR HANDICAPPED CHILDREN

1969-1970

Program	Category of Handicap	Number Served	Age Range	Services Facility	Funding Source
N.Y. State Rehabilitation Hospital	Trainable Mental Retarded	8	6-12	Hospital- W. Haverstraw New York	/
	Physically Handicapped	50	3-21		34,094[a]
	Learning Disability	10	6-12		
Tuberculosis Control	Bed-Ridden T.B. Patients	27	5-21	Hospitals(3)	35,800[a]
Medical Rehabilitation Program	Physically Handicapped				11,200,000[a]
	Mentally Retarded	32,000 (Total)	Birth-21		9,600,000[b]
	Speech and Hearing Impaired	746	5-21		11,200,000[c]

[a]Federal Funding
[b]State Funding
[c]County Funding

DEPARTMENT OF CORRECTIONAL SERVICES
Educational Programs for Handicapped Youth
1969-1970

Introduction

General Department Responsibility

The Department of Correctional Services is responsible for the care and rehabilitation of those individuals committed to its care by order of the courts. The Department has a Division of Education which provides remedial and vocational educational services to individuals committed to the Department's correctional facilities. Educational services are available for individuals who are diagnosed as mentally or emotionally handicapped.

Catalogue of Programs

The Division of Education makes special provisions for the education of handicapped offenders. These programs are a part of the total educational effort. The major approach of these programs is remedial and vocational in emphasis. The population served during 1969-70 consisted of 212 individuals, 16-21 years old. The two categories of handicap served are seriously emotionally disturbed and certified mentally retarded. The educational programs are operated within the confines of facilities administered by the Department of Correctional Services. The objectives of these educational programs are to teach literacy communications and vocational skills as a means of resocialization.

1) Rehabilitation of Offenders - Care, Custody, Education, Counseling - Emotionally Disturbed

Legal Basis - Correction Law, Article 17, Section 3a.

2) Rehabilitation of Offenders - Care, Custody, Education, Counseling - Mentally Retarded

Legal Basis - Correction Law, Article 17, Section 3a.

Services

Direct Educational Services

Remedial and vocational education programs are provided for mentally retarded and seriously emotionally disturbed offenders from 16-21 years old. A testing program is administered to all commitments, which enable the institutions at the time of admission, to identify mentally retarded and functionally illiterate inmates. As a result, progress is being made in the quality of education and the number of inmates enrolled in such programs.

A recent change in department policy mandates that all commitments between 16-21 years old are sent to the Elmira Reception Center for a six week psychometric assessment program. During the program, offenders identified as mentally retarded or emotionally disturbed are assigned to special institutions. Special literacy and vocational education programs have been developed to meet the educational needs of the handicapped inmates. The handicapped are transferred from Elmira Reception Center to an appropriate institution. The department provides three specialized institutions which are described below:

1) Beacon State Institution, Beacon, N.Y.; A special facility for internment of mentally retarded offenders. Basic education provided for mentally retarded between 16-21 years old.

2) Matteawan State Hospital, Beacon, N.Y.; A special facility for the internment of seriously emotionally disturbed offenders. Literacy and vocational education is provided for severely emotionally disturbed inmates between 16-21 years old.

3) Coxsackie Correctional Facility, W. Coxsackie, N.Y.; A special facility for 16-21 year old emotionally disturbed boys.

Program Summary

Services for Mentally Retarded Offenders

Mentally retarded offenders are housed at the Beacon State Institution which is a part of Matteawan State Hospital. Basic and vocational education are provided for $2\frac{1}{2}$ hours per day in a formal classroom setting. On-the-job training is provided in basic trade skills as part of the educational program.

Services for Seriously Emotionally Disturbed Offenders

Two institutions provide educational and rehabilitation services for offenders who have been determined to be seriously emotionally disturbed. Matteawan State Hospital houses the most seriously disturbed offenders. A minimal program of literacy education for 2 hours per day is provided for inmates between 16 and 21 years old.

The Coxsackie Correctional Facility provides a highly structured formal vocational education program designed specifically for the 16-21 year old age group. This institution offers a place of treatment and training separate and apart from matured criminals and from those

delinquents who are vicious or considered most seriously disturbed. This institutional program is designed for those offenders who are most likely to gain from a highly structured vocational rehabilitation program.

DEPARTMENT OF CORRECTIONAL SERVICES
EDUCATIONAL PROGRAMS FOR HANDICAPPED YOUTH

1969-1970

Program	Category of Handicap	Number Served	Age Range	Service Facility	Funding Source
Rehabilitation of Offenders	Mentally Retarded	30	16-21	Beacon State Institution	
Rehabilitation of Offenders	Emotionally Disturbed	150	16-21	Matteawan State Hospital	850,000[a]
Vocational Rehabilitation Cases	Emotionally Disturbed	32	16-21	Coxsackie Correctional Facility	

[a] Breakdown of funding by Program not provided

DEPARTMENT OF SOCIAL SERVICES
Education and Related Services
for Handicapped Children
1969-1970

Introduction

General Department Responsibility

The Department of Social Services operates a diversified system of state training schools and related facilities to provide care for neglected and delinquent children who are under the care of the Family Courts of the State. Over 6,000 children are cared for each year under this system. One-third are in residence in the various schools and centers and two-thirds are in community based programs.

In addition to the training school system, the Department provides comprehensive consultation services for blind and visually handicapped children and their parents.

Catalogue of Programs

The Department administers two programs which provide educational services for handicapped children. Two categories of handicap are included: seriously emotionally disturbed and visually handicapped and blind.

1) Group Care, Educational and Clinical Services for Emotionally Disturbed Children

   Legal Basis - Social Services Law, Article 7

2) Consultive Services for Blind and Visually Handicapped children

   Legal Basis - New York Unconsolidated Laws, Title 24, Sections 8701-8707

Services

Direct Educational Services

Direct educational services are provided for 180 seriously emotionally disturbed children from 7-16 years old. The educational programs are provided within the context of three residential schools which provide group care and clinical services. All children served in these schools are referrals by Family Court Orders. The three schools are described below:

1) Brookwood Annex of the Girls' Training School, Claverack, N.Y. 12534; self-contained treatment center for girls between the ages of 13 and 16; 60 girls are served.

2) Goshen Annex Center for Boys, Goshen, N.Y. 10924; closed treatment center for boys between 13 and 16 years of age; 100 boys are served.

3) Overbrook Center for Children, Box 81, R.D. 2, Red Hook, N.Y. 12571; treatment center and satellite foster homes for boys ages 7 to 12; 22 boys served, future construction will accommodate a maximum of 50 children.

Indirect Educational Services

The New York State Commission for the Blind and Visually Handicapped provides an indirect educational service for legally blind children in the form of comprehensive consultation to blind children and their families. The consultation service provides vital information concerning educational, medical and social services available to the blind in both the private and public sectors. The program serves approximately 300 children from birth to 21 years of age. Three offices are strategically located in order to provide this service on a state-wide basis.

1) Central Office; Albany, N.Y. - One supervisor

2) Syracuse Field Office; Syracuse, N.Y. - One consultant assigned to 31 upstate counties

3) New York City Field Office; New York City - One consultant assigned to 31 eastern and downstate counties

Program Summary

Services for Seriously Emotionally Disturbed Children

Three residential schools provide group care, educational and clinical services to seriously emotionally disturbed children. The primary objective of this program is to change the attitudes and habits of behavior of children from anti-social to socially acceptable ones and to improve emotionally their relationship patterns so that they can function adequately in the community. The programs are designed to provide a healthy environment and to be condusive to social adjustment and academic advancement. Medical and psychological services are provided by the professional staff at each school.

Consultant Services for Blind and Visually Handicapped Children

Three State offices provide comprehensive consultant services to blind and visually handicapped children and their parents. These services include coordination of community resources and training of blind and visually handicapped children, and consultation to voluntary agencies for the blind. The main objective of this program is to assist blind, visually handicapped, and multiply handicapped blind children in developing their individual capacities so that they may obtain the best possible degree of adjustment toward becoming independent adults.

delinquents who are viscious or considered most seriously disturbed. This institutional program is designed for those offenders who are most likely to gain from a highly structured vocational rehabilitation program.

SOCIAL SERVICES
PROGRAMS FOR HANDICAPPED CHILDREN

1969-1970

Program	Category of Handicap	Numbers Served	Age Range	Service Facilities	Source of Funding
Services for Emotionally Disturbed	Seriously Emotionally Disturbed	180	7-16	3 Residential State Schools	200,000[a]
Consultation for the Blind	Blind	300	Birth-21	3 Field Offices	13,000[a] 40,000[b]

[a] State Funds

[b] Federal Funds

DIVISION FOR YOUTH
Educational Programs for Handicapped Youth
1969-1970

Introduction

General Department Responsibility

The New York State Division for Youth is responsible for coordinating and implementing youth development and delinquency prevention programs. Field representatives located throughout the State aid communities in developing and administering recreational and other youth serving programs. The Division operates several residential facilities which serve delinquent and deliquent prone youths between the ages of 15 and 17 (inclusive). A staff of researchers specialize in evaluating current programs and providing information for new treatment approaches and for improving current programs. While serving its function of delinquency prevention and youth development, the Division for Youth also provides two programs for handicapped children. In recognizing the problems of youth, the Division classifies those youths with emotional problems which may possibly render them "delinquent prone" as being emotionally disturbed.

Catalogue of Programs

The Division for Youth operated two programs for handicapped youth during the 1969-70 fiscal year.

1) Recreation Program for the Handicapped

   Legal Basis - Executive Law, Section 420

2) Educational Program for Emotionally Disturbed Children

Legal Basis - P. L. 89-313: (Amendment to E.S.E.A. Title I)

Program Summary

Recreation Program for the Handicapped

During the 1969-70 fiscal year the Division for Youth administered recreation programs for handicapped children in the Towns of North Hempstead, Hempstead, and Oyster Bay. The purpose of these programs was to help the children achieve better coordination and social habits and generally assist children in becoming useful and acceptable members of society through recreation. This program was funded by the municipalities which received approximately 50 percent State aid on approved expenditures. During the 1969-70 fiscal year the three towns received a total of $53, 266 in State aid for these recreational programs. This program was discontinued in the 1970-71 fiscal year because the Division for Youth is primarily concerned with prevention of delinquency and statistical information showed a relatively low incidence of delinquency in handicapped and retarded children. A total of 1, 050 children were served by this program during the 1969-70 fiscal year.

Educational Program for Emotionally Disturbed Children

A youth who demonstrates emotional problems which may render him "delinquent prone" or potentially delinquent is classified as emotionally disturbed by the Division for Youth. The Division operates

7 facilities which provide educational programs for these emotionally disturbed children (See Table). The primary objective of this educational program is remediation in reading, mathematics, and science. This allows the youth the opportunity to remain at grade level while in residence at the facilities. The facilities offer group and individual counseling and work therapy to youths between the ages of 15 and 17. The average period of residence of the youths is nine months with a maximum of two years. During the 1969-70 fiscal year 175 emotionally disturbed ("delinquent prone") youths were served by these educational facilities. The seven facilities received $88,635 in Federal aid (89-313 funds) during the same year. Beginning in fiscal year 1970-71 these 89-313 funds (educational programs for handicapped children) are no longer allocated to these facilities. The Division for Youth is primarily concerned with preventing delinquency and is allocated Federal funds based on P. L. 89-750 (amendment to ESEA Title I). These funds are available to institutions which provide educational programs to neglected and delinquent children.

DIVISION FOR YOUTH
EDUCATIONAL AND TRAINING PROGRAMS FOR HANDICAPPED CHILDREN

1969-1970

Program	Facilities	Number Served	Funding
Recreation Program for the Handicapped	Town of Hempstead Town of N. Hempstead Town of Oyster Bay	1, 050	53, 266[a]
Educational Program for Emotionally Disturbed Children	Bronx Home; Bronx	21	10, 636[b]
	Brooklyn Home; Brooklyn	7	3, 545[b]
	Buffalo Home; Buffalo	20	10, 130[b]
	Ernie Davis Home; Syracuse	26	13, 169[b]
	Great Valley Youth Camp Great Valley	60	30, 389[b]
	Hempstead Home; Hempstead	21	10, 636[b]
	Willowbrook START Center; Staten Island	20	10, 130[b]

[a] State Funding [b] Federal Funding

THE STATE UNIVERSITY SYSTEM (SUNY)
Teacher Training and Demonstration Classes
Education of Handicapped Children
1969-1970

Introduction

General Department Responsibility

Two University Centers and four State Colleges provide teacher education programs for six categories of handicap. These six institutions have specialized programs for the training of teachers to serve handicapped children. Students are offered training in six areas of handicap. Programs are available at the bachelor's, master's, and doctoral levels among these six institutions.

During the 1969-70 academic year there were 1, 287 students enrolled in full-time teacher training programs and 287 enrolled in part-time programs.

In addition to the teacher training programs there are nine demonstration classes for education of handicapped children being operated at the State University College at Buffalo. The demonstration classes, which directly involve the children, are an integral part of the special education teacher training program.

Catalogue of Programs

The State University System provides two types of programs which benefit handicapped children either directly or indirectly. The teacher training program is available at two University Centers and four University Colleges. The demonstration classes are conducted at the State University College at Buffalo.

1) Teacher Training at State University Centers and Colleges
Indirect service providing specialized programs for training teachers to serve handicapped children.

2) Demonstration Classes at S. U. C. at Buffalo
Direct services involving handicapped children for the purpose of benefitting both children and teachers.

Services

Direct Educational Services

Nine demonstration classes for education of handicapped children are being operated at the State University College at Buffalo. During the 1969-70 academic year there were 98 handicapped children directly involved in this program. A total of nine classes are operated at the elementary and secondary levels. The classes are outlined below.

1) 2 Educable Mentally Retarded Classes - Elementary level

2) 2 Trainable Mentally Retarded Classes - Elementary level

3) 3 Emotionally Disturbed/Neurologically Impaired Classes - Elementary level

4) 2 Educable Mentally Retarded Classes - Secondary level

Indirect Educational Services

The State University administers six programs for training of teachers of handicapped children. The six categories of training programs are: (1) deaf, (2) emotionally disturbed, (3) mentally retarded, (4) physically handicapped, (5) speech and hearing impairment, (6) speech pathology and audiology. The total enrollment in special training programs in the six participating institutions was 1, 574 students during the 1969-70 school year. The programs presently

being operated at each institution are outlined below:

1) State University of New York at Buffalo - Speech Pathology

2) State University of New York at Albany - Speech Pathology, Audiology

3) State University College at Buffalo - Deaf and Hard of Hearing, Emotionally Disturbed, Mentally Retarded, Physically Handicapped, Speech Pathology, Audiology

4) State University College at Geneseo - Deaf and Hard of Hearing, Mentally Retarded, Speech and Hearing

5) State University College at Fredonia - Speech and Hearing

6) State University College at Brockport - Speech and Hearing

Program Summary

Teacher Training at State University Centers and Colleges

Two University Centers and four University Colleges provide teacher training programs for six categories of handicapped. College students receive special training in methods of teaching handicapped children. Degrees are offered at the bachelor's, master's, and doctoral levels. Over 1, 500 college students were enrolled in these teacher training programs during the 1969-70 academic year.

Demonstration Classes at State University College at Buffalo

This program directly involves handicapped children. S.U.C. at Buffalo operates nine demonstration classes which involved 98 handicapped children during the 1969-70 academic year. These classes provide the college students the opportunity to work directly with handicapped children. These classes benefit the handicapped children directly

and also give the college students better insight into the needs and problems of handicapped children. The demonstration classes are an integral part of the special teacher training program at the State University College at Buffalo.

STATE UNIVERSITY SYSTEM (SUNY)
SPECIAL EDUCATION PROGRAMS

1969-1970

Program	Category of Handicap	Number Served	Educational Facilities	Funding Source
Training of Special Education Teachers	Deaf Emotionally Disturbed Mentally Retarded Physically Handicapped Speech and Hearing Impairment Speech Pathology and Audiology	1, 574 College Students	SUNY Albany SUNY Buffalo SUC Buffalo SUC Brockport SUC Fredonia SUC Geneseo	Not Reported
Demonstration Classes for Training of Special Education Teachers	Educable Mentally Retarded Trainable Mentally Retarded Emotionally Disturbed Neurologically Impaired	98 Handicapped Children	SUC Buffalo	Not Reported

STATE EDUCATION DEPARTMENT
Educational Programs for Handicapped Children
1969-1970

Introduction

General Department Responsibility

The New York State Education Department has the major responsibility for the development and administration of preschool, elementary, secondary and higher public education throughout the state. Included in this responsibility is the duty to use all the means and measures necessary to adequately meet the physical and educational needs of the blind, the deaf, the physically, mentally and emotionally handicapped child, ranging in age from 3 to 21 years.

The Division for Handicapped Children is assigned the major responsibility of development, administration and monitoring of special education programs in local schools and Boards of Cooperative Educational Services (BOCES) as well as special State operated and State supported schools for the handicapped. Programs in private schools for the handicapped are also monitored by the Division, when state or federal funds are allocated to such institutions.

Catalogue of Programs

Special education programs are operated by local school districts in all sixty-two counties throughout the state. These programs are designed to meet the special needs of children of all categories of handicap. The goal of these programs is to provide necessary supportive services

that will aid the handicapped child in reaching the limits of his educational potential within the context of the "normal" school situation. These children are integrated into the regular classroom as much as possible and are provided with supportive services as needed. In addition to the local district programs, the fifty-three BOCES operate special education programs on a cooperative basis which supplement the local districts efforts in program development and operation.

Twenty categorical aid programs are administered by the Education Department, which are supplemental to programs operated by the local school districts and BOCES. These programs are supported by Federal, State and County Funds (or some combination thereof) in order to strengthen existing programs or provide alternative programs for unusual or severe handicapping conditions. The funds aid in the support of supplemental institutions and programs such as State operated and State supported schools, other State agency programs or private schools.

The Department programs serve eight broad categories of handicapped children. 1) Trainable Mentally Retarded; 2) Educable Mentally Retarded; 3) Emotionally Disturbed; 4) Visually Impaired (including Blind); 5) Hearing Impaired (including Deaf); 6) Physically Handicapped; 7) Neurologically Impaired; and 8) Speech Impaired. The population served by these programs ranges from 3 to 21 years of age. The

estimated unduplicated count of handicapped children served by all Education Department programs during 1969-1970 was in excess of 241, 500.

1) Public School Services for Handicapped Children

   Legal Basis - Education Law, Article 89, Section 4404

2) BOCES Services for Handicapped Children

   Legal Basis - Education Law, Article 89, Section 4404

3) ESEA Title I - Special Aid - Educationally Deprived Children: Programs for Handicapped Children

   Legal Basis - ESEA Title I (Federal Law)

4) ESEA Title III - Supplemental Educational Centers and Services: Programs for Handicapped Children

   Legal Basis - ESEA Title III

5) P. L. 89-313: (Amendment to ESEA Title I) - Programs for Children in State Operated and State Supported Institutions for the Handicapped

   Legal Basis - P. L. 89-313 (Federal Law)

6) ESEA Title VI-A, Instructional Services to Handicapped Children

   Legal Basis - ESEA Title VI-A (Federal Law)

7) Vocational Rehabilitation

   Legal Basis - Education Law, Article 21, Sections 1001-1009
   Vocational Rehabilitation Act (Federal Law)

8) Occupational Education for the Handicapped in Public Schools

   Legal Basis - Education Law, Article 23, Sections 1101-1116
   P. L. 90-576 (Federal Law)

9) Urban Education Program - Projects Providing Services for Disadvantaged Handicapped School Children

Legal Basis - Education Law, Article 73, Section 3602

10) Allowances to Special Schools - Private Schools for the Deaf and Blind

Legal Basis - Education Law, Article 85, Sections 4201-4209

11) Allowances to Special Schools - State Schools for the Deaf and Blind

Legal Basis - Education Law, Article 87-88, Sections 4301-4356

12) Out of State Instruction for Deaf-Blind Children

Legal Basis - Education Law, Article 85, Section 4209

13) Readers Aid Services to Blind and Deaf College Students

Legal Basis - Education Law, Article 85, Section 4210

14) Federal Quota Registration of Legally Blind Children

Legal Basis - Federal Act to Promote Education of Blind

15) Human Resources School

Legal Basis - Chapter 665 of the N. Y. State Laws of 1963

16) Procedure Through the Family Court, Cost of Educational Services (4403)

Legal Basis - Education Law, Article 89, Section 4403

17) State Aid to Non-Public Schools for Instruction of Handicapped Children (4407)

Legal Basis - Education Law, Article 89, Section 4407

18) Federal Program for Teacher Training

Legal Basis - P. L. 85-926

19) State Program for Teacher Training

Legal Basis - N. Y. State Legislative Appropriation

20) In-Service Program for Teachers of Handicapped Children

Legal Basis - N. Y. State Legislative Appropriation

21) Funding to Schools of Orphan Asylums

Legal Basis - Education Law, Article 89, Section 4001

22) Special School Districts for Institutional Schools

Legal Basis - N. Y. State Laws of 1967, Chapter 566

Program Summary

During the 1969-1970 school year the programs in public schools throughout the state served in excess of 187, 000 handicapped children, with approximately 5, 800 special education teachers providing the educational services. The net cost to public school districts (less State aid) was approximately $364, 500, 000. The 53 BOCES operations served approximately 23, 800 handicapped children with 2, 144 special education teachers. The cost of programs operated by BOCES was in excess of $32, 000, 000. The major areas of emphasis in providing special education services for handicapped children in Public Schools and BOCES are special classes, resource rooms, itinerant service, transportation and home teaching. The total enrollment in Public Schools and BOCES was 210, 384 (See Table 1). This total represents 6. 11% of the total pupil enrollment (See Table 2).

In addition to the public school and BOCES programs, the Education Department administers an additional twenty programs which are supplemental to the public school and BOCES efforts. These programs served

over 31, 000 children during 1969-1970 at a total cost in excess of $55. 100. 000. The total Education Department program for education of handicapped children from 3 to 21 years old served an estimated unduplicated count of 241, 559 children at a total cost of $454, 790, 000 (See Table 3).

TABLE I

NUMBER OF HANDICAPPED CHILDREN SERVED IN NEW YORK STATE IN PUBLIC SCHOOLS AND BOCES CLASSES BY TYPE OF HANDICAP AND BY REGION

1969-70

Region	HANDICAP								
	TMR	EMR	Emotionally Disturbed	Hard of Hearing and Deaf	Visually Handicapped and Blind	Physically Handicapped & Multi Handicapped	Neurologically Impaired	Speech Impaired	Total
Binghamton	151	1,529	68	25	10	69	48	2,475	4,375
Buffalo	743	4,821	977	118	165	1,781	191	8,891	17,687
Capital District	313	2,175	348	92	24	43	162	4,388	7,545
Elmira	140	1,299	58	--	--	72	60	848	2,477
Long Island	1,649	5,802	5,690	167	171	363	1,045	26,319	41,206
Mid Hudson	313	2,317	344	17	32	84	304	7,276	10,687
Mohawk Valley	241	1,615	120	7	1	81	--	1,879	3,944
New York City	3,367	12,922	12,255	1,862	1,093	6,524	1,709	45,443	85,175
Northern	86	1,279	22	--	33	73	--	2,807	4,300
Rochester	562	3,201	447	136	45	198	365	8,666	13,620
Rockland-Westchester	692	2,153	1,760	48	31	214	488	6,024	11,410
Syracuse	968	2,155	331	34	15	183	24	4,248	7,958
Total	9,225	41,268	22,420	2,506	1,620	9,685	4,396	119,264	210,384

- Indicates no Students

TABLE 2

TOTAL ENROLLMENT AND HANDICAPPED ENROLLMENT
IN PUBLIC SCHOOLS AND BOCES CLASSES IN NEW YORK STATE BY REGION

1969-1970

Region	ENROLLMENT		
	Total Enrollment	Handicapped* Enrollment	Percent Handicapped
Binghamton	90, 450	4, 375	4. 84%
Buffalo	331, 799	17, 687	5. 33
Capital District	172, 020	7, 545	4. 39
Elmira	95, 997	2, 477	2. 77
Long Island	630, 187	41, 206	6. 54
Mid-Hudson	175, 932	10. 687	6. 07
Mohawk Valley	99, 001	3, 944	3. 98
New York City	1, 113. 826	85. 175	7. 65
Northern	94, 227	4. 300	4. 56
Rochester	238. 630	13. 620	5. 71
Rockland-Westchester	225. 425	11. 410	5. 06
Syracuse	173. 604	7. 958	4. 58
Total	3, 441. 098	210. 384	6. 11

* BOCES and Public School Classes

TABLE 3

NUMBER OF HANDICAPPED CHILDREN SERVED IN NEW YORK STATE
BY THE EDUCATION DEPARTMENT, WITH FUNDING, BY PROGRAM

1969-1970

Program	Number Served*	Funding
Public School Classes	187, 151	364, 575, 463
B. O. C. E. S. Classes	23, 233	32, 000, 000
Title I	5, 784	5, 461, 857
Title III	4, 856	1, 043, 380
P. L. 89-313	3, 493	4, 731, 630
Title VI-A	7, 971	2, 271, 300
Vocational Rehabilitation	11, 200	9, 380, 000
Occupational Education	5, 985	2, 073, 053
Urban Education	1, 189	275, 552
Private Schools; Deaf and Blind	2, 019	10, 433, 261
State Schools; Deaf and Blind	420	2, 246, 051
Out-of-State; Deaf - Blind	3	19, 000
Readers Aid	240	120, 000
Federal Quota Registration	1, 200	85, 700
Human Resources School	153	410, 000
4403	1, 176	1, 340, 000
4407	5, 257	11, 000, 000
Federal Teacher Training	X	200, 000
State Teacher Training	X	225, 000
In-Service Training	X	(Not reported)
Schools of Orphan Asylums	2, 752	403, 000
Special School Districts	2, 000	6, 496, 000
Totals	266, 052	454, 790, 247

*Total number served does not represent an unduplicated count.
X Teacher Training Programs do not directly serve handicapped children.

ESEA TITLE I - SPECIAL AID - EDUCATIONALLY DEPRIVED CHILDREN: PROGRAMS FOR HANDICAPPED CHILDREN

1969-1970

Program Summary

ESEA Title I is designed to provide financial assistance to local educational agencies serving areas with concentrations of children from low income families. Expansion or improvement of educational programs which contribute to meeting the special educational needs of educationally deprived children is the goal of the program. This program is a massive financial effort to provide projects which are supplemental to the regular school program. A substantial proportion of ESEA Title I funds are allocated to projects designed specifically for handicapped children.

During the 1969-70 school year, there were 46 ESEA Title I projects for disadvantaged handicapped children operating in 44 eligible local school districts. A total of 5,788 eligible children ranging in age from 3 to 21 years old were served by the various projects. Projects were designed to serve seven categories of handicapped children; physically handicapped, visually handicapped, hearing impaired, speech impaired, mentally retarded, neurologically impaired, and emotionally disturbed. More than 5,400,000 dollars were allocated to operate these specialized projects during the 1969-70 school year.

ESEA TITLE I PROGRAM

1969-1970

Category of Handicap	Number of Projects*	Number Served	Funding
Neurologically Impaired	4	18	
Physically Handicapped	3	139	
Visually Handicapped	9	38	
Hearing Impaired	12	301	5, 461, 857[a]
Speech Impaired	21	2, 673	
Mentally Retarded	28	2, 064	
Emotionally Disturbed	20	456	
Other Impairment	9	95	

* A project may serve more than one category of handicap

[a] Represents total funding; Not reported by category of handicap

ESEA TITLE III - SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES

1969-1970

Program Summary

ESEA Title III is a Federal program designed to stimulate and assist local school districts in the development and establishment of exemplary elementary and secondary school educational programs to serve as models for regular school programs. The program is designed to offer a diverse range of educational experiences to persons of varying talents and needs by providing, especially through new and improved approaches, supplementary educational services and activities, such as guidance and counseling, remedial instruction, vocational and adult education, specialized equipment and personnel. Sections 305 (b) (8) and 306 (b) of ESEA Title III mandate that not less than 15 percent of the allotment shall be used for special programs or projects to meet the special educational needs of handicapped children.

During the 1969-70 school year 14 ESEA Title III projects designed for handicapped children operated in 13 local school districts and BOCES facilities. A total of 4,856 handicapped children from 3-18 years of age were provided with direct educational services. The 13 projects served six categories of handicapped children; Trainable Mentally Retarded, Educable Mentally Retarded, Emotionally Disturbed, Visually Handicapped, Physically Handicapped, and Neurologically Impaired. The ESEA Title

III allocation for handicapped programs was $1, 043, 380 during the 1969-70 school year.

ESEA TITLE III
PROGRAMS FOR HANDICAPPED CHILDREN

1969-1970

Category of Handicap	Numbers Served	Number* of Projects	Funding
Trainable Mentally Retarded	43	1	25,000
Educable Mentally Retarded	2313	4	279,780
Emotionally Disturbed	50	1	95,600
Visually Handicapped	25	1	23,000
Physically Handicapped	1811	4	420,000
Neurologically Impaired	614	2	40,000
Indirect Educational Services	--	3	160,000
Totals	4856	14	1,043,380

* A project may serve more than one category of handicap

P. L. 89-313: (AMENDMENT TO ESEA TITLE I)
PROGRAMS FOR CHILDREN IN STATE OPERATED AND
STATE SUPPORTED INSTITUTIONS FOR THE HANDICAPPED

1970 Fiscal Year

Program Summary

The P. L. 89-313 amendment to ESEA Title I is designed to provide Federal financial assistance to state operated and state supported institutions that operate educational programs for handicapped children. The funds are allocated by the State to eligible institutions for the purpose of augmenting and expanding existing programs which provide services to the handicapped. The regulations explicitly state that funds may not be used in a supplemental fashion to enhance existing programs.

During the 1970 fiscal year, the N. Y. State Education Department, Department of Mental Hygiene, Department of Health and the Division for Youth received allocations which augmented programs serving 9, 328 handicapped children in 82 state operated and state supported private institutions. The total P. L. 89-313 allocation to New York State for the 1970 fiscal year was $4, 731, 630 Allocations to the various state agencies are described below (See Table 1). Six categories of handicapped children ranging from birth to 21 years old were served by these institutions and schools; 1) physically handicapped, 2) visually impaired, 3) hearing impaired, 4) mentally retarded, 5) emotionally disturbed, and 6) other health impaired including T. B. patients (See Table 2).

TABLE I

P. L. 89-313 (ESEA TITLE I)
PROGRAMS FOR HANDICAPPED CHILDREN

1970 Fiscal Year

Administering Agency	Type of Institution	Number of Institutions	Number Served	Funding
Education	State Operated Schools	2	347	
	State Supported Schools	12	2, 043	1, 761, 572
	Private Schools	34	1, 103	
Mental Hygiene	State Hospitals	13	1, 657	
	State Schools	12	3, 908	2, 818, 616
Health	T. B. Hospitals	3	27	
	Rehabilitation Hospital	1	68	48, 116
Youth	Youth Centers	7	175	88, 635
Totals		82	9, 328	4, 731, 630

TABLE 2

P. L. 89-313 (ESEA TITLE I)
NUMBER OF HANDICAPPED CHILDREN SERVED
BY AGENCY AND BY TYPE OF HANDICAP CONDITION

Category of Handicap	ADMINISTERING AGENCY				
	Education	Mental Hygiene	Health	Youth	Totals
Physically Handicapped	279	--	68	--	347
Visually Impaired	481	--	--	--	481
Hearing Impaired	1760	--	--	--	1760
Mentally Retarded	970	3908	--	--	4878
Emotionally Disturbed	1	1657	--	175	1833
Other Health Impairments	2	--	27	--	29
Totals	3493	5565	95	175	9328

ESEA TITLE VI-A, INSTRUCTIONAL SERVICES
TO HANDICAPPED CHILDREN

1970 Fiscal Year

Program Summary

ESEA Title VI-A is a special aid program designed to supply federal funds to supplement, but not supplant state and local funds for operation of educational programs for the handicapped. All local public educational agencies including BOCES are eligible for funding. Full reimbursement is made to boards of education or public school districts for programs designed to provide services and acquisition of equipment for mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, physically handicapped, or other health impaired children. The payments are made on the basis of supplemental programs which are of sufficient size, scope, and quality, and give reasonable promise of substantial progress toward meeting the special educational and related needs of handicapped children. The State Education Department may authorize grants for the initiation, expansion and improvement of services for the handicapped at pre-school, elementary and secondary levels. Programs for non-public school children may also be authorized for funding.

During the 1970 fiscal year, the total state allocation was $2,271,300. These funds supported 96 projects operated in the "Big Six" cities, 30 local school districts and 20 BOCES, serving more than 7,950 handicapped children (See Table 1). Projects were designed to provide supportive

services for a wide range of handicaps in local districts throughout the state (See Table 2).

TABLE I

ESEA TITLE VI-A
PROGRAMS FOR HANDICAPPED CHILDREN

1970 Fiscal Year

Administering District	Number of Projects	Number Served	Funding
Big Six Cities			
Albany	3	31	52,000
Buffalo	1	24	30,300
Rochester	6	845	137,300
Syracuse	5	2562	158,800
Yonkers	2	24	43,000
NYC	15	626	679,100
Other Districts (30)	38	3203	599,000
BOCES (20)	26	638	571,300
Totals	96	7953	2,271,300

TABLE 2

ESEA TITLE VI-A
CATEGORIES OF HANDICAPPED CHILDREN SERVED

1970 Fiscal Year

Category of Handicap	ADMINISTERING DISTRICTS			
	Big Six Cities	Other Districts	BOCES	Totals
Trainable Mentally Retarded	76	135	31	242
Educable Mentally Retarded	1105	1491	209	2805
Emotionally Disturbed	693	549	210	1452
Hearing Disabled	167	67	84	318
Visually Impaired	80	57	--	137
Speech Impaired	1320	733	--	2053
Neurologically Impaired	65	109	48	222
Physically Handicapped	606	62	56	742
Totals	4112	3203	638	7953

VOCATIONAL REHABILITATION

1969-1970

Program Summary

The Office of Vocational Rehabilitation (O. V. R.) serves handicapped persons of employable age. Evaluation, counseling, physical restoration, occupational training, and job placement services are provided for any eligible handicapped individual above the age of 16 years. The O. V. R. maintains 13 regional field offices and 3 offices in Dept. of Mental Hygiene institutions. The 13 regional offices employ 682 professionals and serve 62 counties (See Table 1). Approximately 11, 200 handicapped individuals between 16-21 years old (30% of total case load) were served during the 1969-70 school year.

The O. V. R. program is a broad based program designed to restore the effective participation of the handicapped in productive work activity. The Office is involved with all types of public and voluntary service agencies and practicing professionals in the state. The primary emphasis of the program is evaluation and placement of handicapped individuals in appropriate existing rehabilitation programs and facilities operated by the various state, county and private agencies. The O. V. R. services are apart from and supplemental to the local school district efforts to provide educational services to handicapped children.

The major categories of handicaps served are mentally retarded, seriously emotionally disturbed, sensory disabilities (hearing and visually

impaired), physically handicapped, neurologically impaired, and other health impairments (See Table 2). The total allocation for the 16-21 year old group during the 1969-1970 school year was approximately $9,380,000 of which 75% were federal and 25% state funds.

TABLE 1

OFFICE OF VOCATIONAL REHABILITATION
FIELD OFFICES
1969-1970

Field Office	Counties Served	Professional Staff
Albany	Albany, Columbia, Fulton, Greene, Hamilton Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, Washington	30
Buffalo	Allegany, Catteraugus, Chautaugua, Erie, Genesee, Niagara, Orleans, Wyoming	72
New York City	Bronx, Kings, Manhattan, Queens, Richmond	297
Rochester	Livingston, Monroe, Ontario, Seneca, Wayne, Yates	43
Syracuse	Cayuga, Cortland, Jefferson, Madison, Onondaga, Oswego	39
Poughkeepsie	Dutchess, Orange, Putnam, Sullivan, Ulster	26
Binghamton	Broome, Chenango, Deleware, Otsego, Tioga	18
Elmira	Chemung, Schyler, Steuben, Tompkins	17
Utica	Herkimer, Lewis, Oneida	18
Malone	Clinton, Essex, Franklin, St. Lawrence	17
White Plains	Rockland, Westchester	45
Garden City	Nassau	42
Patchogue	Suffolk	18

TABLE 2

OFFICE OF VOCATIONAL REHABILITATION
HANDICAPPED YOUTH SERVED

1969-1970

Category of Handicap	Number Served *	Funding Source
Mentally Retarded	1680	3,080,000[a]
Emotionally Disturbed	1120	
Hearing and Visually Impaired	1120	6,300,000[b]
Physically Handicapped	5040	
Neurologically Impaired	1120	(No further breakdown of funds reported)
Other Health Impairment	1120	
Totals	11,200	9,380,000

* Estimated

[a] State Funds

[b] Federal Funds

OCCUPATIONAL EDUCATION FOR HANDICAPPED CHILDREN IN PUBLIC SCHOOLS

1969-1970

Program Summary

The Occupational Education program is designed to assist school districts in the development of programs to teach employment skills to secondary level students. Federal vocational funds (P. L. 90-576) are allocated for the purpose of constructing facilities, purchasing equipment, and staffing pilot programs in occupational education. The objective of this program is to teach employment, consumer, and homemaking skills to secondary level students. These Federal Funds are allocated for pilot programs only, not for expanding or continuing existing programs. This program is administered by the public school districts in the "Big Six" cities (New York, Yonkers, Albany, Syracuse, Rochester, Buffalo). The Boards of Cooperative Educational Services administer the programs in all other cities. Four categories of handicapped children were served during the 1969-70 school year; mentally retarded, emotionally disturbed, physically handicapped, and neurologically impaired. A total of 5,935 handicapped students between the ages of 15 and 21 were provided occupational educational services during the 1969-70 school year. This program is funded from Federal, State, and local sources. Because a vast number of State and local sources allocate funds for Occupational Education programs, the total amount of these funds is not available.

Federal funds (P. L. 90-576) provided $2, 073, 053 to assist development of pilot programs in Occupational Education.

URBAN EDUCATION PROGRAM

Projects Providing Services for Disadvantaged
Handicapped School Children

1969-1970

Program Summary

The Urban Education program is a state funded program designed to provide support to eligible school districts to assist them in providing all persons in urban areas with equal educational opportunity in an integrated social and racial context (eligibility is defined by Education Law, Section 3602, subdivision 11). Urban Education projects must be supplemental to the regular school program and focus on the disadvantaged. The program priorities include: Early Childhood Education and appropriate followup; Basic Skills Education; Guidance and Counseling; Innovative Programs for Disaffected Youth; Model Demonstration Schools; Community Education Programs; Adult Basic Education; and Training and Development of Professionals and Nonprofessionals.

During the 1969-70 school year, six projects were designed to serve more than 1,000 handicapped public school children from 6-21 years old. Three of the projects provided direct instructional services to children, two provided supportive diagnostic and guidance services, and one provided in-service training for 89 working personnel. Three projects were administered in New York City, two in Buffalo, and one in Rochester. The total allocation during 1969-70 for services to handicapped children was $275,552.

URBAN EDUCATION PROGRAM
SERVICES FOR HANDICAPPED CHILDREN

1969-1970

Project	District	Category of Handicap	Number Served	Age Range	Funding
In-Service Training	NYC	Multiple Handicapped	(97 Personnel)	--	37, 500
Vocational Training	NYC	Mentally Retarded	100	17-21	33, 756
Supportive Services	NYC	Mentally Retarded	90	5-12	17, 147
Enrichment Program	Buffalo	Mentally Retarded	84	6-15	21, 139
Summer Remedial Program	Buffalo	Physically Handicapped	115	a	23, 588
Preventive Mental Health Project	Rochester	Emotionally Disturbed	800	5-12	143, 172
Totals	3 Districts	--	1, 189	--	275, 552

a Not reported

ALLOWANCES TO PRIVATE SCHOOLS FOR DEAF AND BLIND

1969-1970

Program Summary

The program for allowances to private schools for deaf and blind is designed to provide elementary, secondary and prevocational education for blind and deaf pupils in private schools. This program which is based on Article 85, Sections 4201-4209 of the Education Law is administered by the Bureau of Physically Handicapped Children. The objectives of the program are to provide an academic education through the secondary school level, to provide pre-vocational training for those who will not continue on to higher education, to develop communication skills needed by the deaf, and to achieve mobility and orientation for the blind.

During the 1969-70 school year, two schools for the blind served 333 blind children between the ages of 3 and 21. Seven schools for the deaf served 1,706 deaf children (ages 3-21) during the same year. The cost of the program for the 1969-70 school year was shared as follows: 89% State government ($9,245,000) 8% Federal government - PL 89-313 ($907,119), and 3% private income ($281,142) for a total program cost of $10,433,261.

The service facilities included in this program are listed below:

1) New York Institute for the Education of the Blind; Bronx, N. Y.

2) Lavelle School for the Blind; Bronx, N. Y.

3) New York School for the Deaf; White Plains, N. Y.

4) St. Mary s School for the Deaf; Buffalo, N. Y.

5) Lexington School for the Deaf; Jackson Heights, N. Y.

6) St. Joseph's School for the Deaf; New York, N. Y.

7) Rochester School for the Deaf; Rochester, N. Y.

8) Mill Neck Manor Lutheran School for the Deaf, Mill Neck, N. Y.

9) St. Francis de Sales School for the Deaf; Brooklyn, N. Y.

ALLOWANCES TO PRIVATE SCHOOLS
FOR DEAF AND BLIND

1969-1970

Category of Handicap	Number Served	Age Range	Service Facility	Funding Source
Blind	333	3-21	2 Schools	9, 245, 000[a]
				907, 119[b]
Deaf	1706	3-21	7 Schools	281, 142[c]

[a] State Funding

[b] Federal Funding

[c] Private Income

ALLOWANCES TO STATE SCHOOLS FOR THE DEAF AND BLIND

1969-1970

Program Summary

Article 88, Section 4351 of the State Education Law allocates State and Federal funds for State schools for the deaf. Article 87, Section 4301 allocates similar funds for State schools for the blind. These allocations are made for the purpose of providing complete educational services to blind and deaf children between the ages of 3 and 21 so that they may be able to become useful and well-adjusted citizens of the State. Two State Schools, which function as residential and day schools, provide services to these children under this program; Batavia School for the Blind and Rome School for the Deaf. During the 1969-70 school year the Batavia School served 180 blind children. During the same year the Rome School served 240 deaf children. The total allocation for the 1969-70 fiscal year was $2,246,051 (92% State funding, 8% Federal funding).

ALLOWANCES TO STATE SCHOOLS
FOR THE DEAF AND BLIND

1969-1970

Category of Handicap	Number Served	Age Range	Service Facility	Funding Source
Blind	180	3-21	Batavia State School	887,000[a] 76,000[b]
Deaf	240	3-21	Rome State School	1,183,000[a] 100,000[b]

[a] State funding

[b] Federal funding

OUT OF STATE INSTRUCTION
FOR DEAF - BLIND

1969-1970

Program Summary

Article 85, Section 4209 (paragraph 2) of the State Education Law provides State funds for the education of children who are both deaf and blind. Children who are too severely retarded or disturbed to attend the New York State Institute for the Education of the Blind may attend one of two out-of-state schools. The two private residential schools involved in this program are Perkins School for the Blind, Boston, Massachusetts, and St. Joseph's School for the Blind, Vineland, New Jersey. This program serves children up to 21 years of age. A total of 3 children attended these two schools during the 1969-70 school year. The total cost to the State of this program for 1969-70 was $19,000. $14,000 was allocated to the Perkins School and $5,000 was allocated to the St. Joseph's School.

READERS AID SERVICES TO BLIND AND DEAF COLLEGE STUDENTS

1969-1970

Program Summary

This is a State program to provide readers and note takers for blind and deaf students who are working toward various professional degrees in Regents approved institutuions of higher learning. Section 4210 of the New York State Education Law allows a maximum of $500 a year for the employment of persons to read or take notes for blind or deaf college students. These funds are available upon approval of written request of eligible full-time college student. The Bureau for Physically Handicapped Children administers this program. During the 1969-70 school year the State granted a total of $120,000 to 225 blind and 15 deaf college students.

READERS AID SERVICES
TO BLIND AND DEAF COLLEGE STUDENTS

1969-1970

Category of Handicap	Number Served	Age Range	Funding
Blind	225	17-22	112, 500[a]
Deaf	15	17 -22	7, 500[a]

[a] State funding

FEDERAL QUOTA REGISTRATION OF LEGALLY BLIND CHILDREN

1969-1970

Program Summary

Under the provisions of a Federal act to promote education of blind children, local education agencies are entitled to certain materials for legally blind children who are registered with the Bureau for Physically Handicapped Children. This act allocates approximately $70 per registered blind child to be used for special media educational books and materials for blind children. Materials such as braille books, braille writers, large-type books, and wide-ruled paper are available through the American Printing House for the Blind. This program applies only to materials purchased through this firm. All legally blind children between the ages of 5 and 21 in public and private non-profit institutions who are registered with the Bureau for Physically Handicapped Children are eligible to be served by this program. During the 1969-70 school year 1,200 children were served by this program at a total cost to the Federal Government of $85,700.

HUMAN RESOURCES SCHOOL

1969-1970

Program Summary

The Human Resources School is an experimental special school for severely physically handicapped children who are exempted from public schools. The children served in this non-residential private school are, for the most part, non-ambulatory. The school serves to provide elementary and secondary academic and pre-vocational programs to severely physically handicapped children, which approximate the programs in a non-handicapped school. This school is non-residential so that the children served can benefit from similar social experiences that non-handicapped children enjoy. The school, located in Albertsen, Long Island, serves severely handicapped children between the ages of 5 and 21. During the 1969-70 school year 153 children attended the school. The school is partially State funded and parents are not required to pay tuition at the school. During the 1969-70 fiscal year the school received $410,000 from the State. The amount of funds received from private sources is not available.

EDUCATION LAW, ARTICLE 89, SECTION 4403
PROCEDURE THROUGH FAMILY COURT, COST OF
EDUCATIONAL SERVICES

1969-1970

Program Summary

The Court Order Procedure is designed to provide services for handicapped children when a school district does not have the power or resources to provide such services as maintenance, transportation, home instruction or private school tuition. The procedure is as follows:

> The judge of a family court, or the board of education of the city of New York has power to issue orders for home teaching, transportation, scholarships in non-residence schools; tuition or maintenance and tuition in elementary, secondary, higher, special and technical schools for a handicapped child; and may make the expenses thereof a charge upon the county. The Education Law provides that the State shall reimburse the county for one-half the cost of the services for orders that have been approved by the Commissioner of Education. The Family Court Act further provides that the family court may adjudge that the parent or guardian of the child shall pay a part or all of the expenses.[1]

Elibibility for a court order is limited to: 1) a person under 21 years of age, 2) a person must have a mental, emotional or physical defect or infirmity causing the handicap. Before the family court makes an order, a petition must be presented together with evidence of eligibility in the form of a statement of a physician, and in the case of a mentally retarded child, a statement of a psychologist, and also a recommendation from the superintendent of schools giving details and costs of necessary service.

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1 Court Orders for Educational Services for Handicapped Children. N. Y. State Education Department, 1967, p. 8.

When a court order is made, it is subject to the approval of the Commissioner of Education.

The Court Order provides for four specific types of services for handicapped children· home teaching, transportation, tuition, maintenance. These services are provided in the event that the local district is not able to meet the special needs of a handicapped child. The four types of services are described below.

1) Home Teaching -- Need for this service will be determined by the certificate of a qualified physician that the child is physically unable to attend school. A qualified teacher will provide instruction l to 2 hours per day, 5 days per week for a child who has achieved at the lst grade level or demonstrates a mental age of 6 years or higher.

2) Transportation -- The need of a handicapped child for transportation will be determined by a certificate of a qualified physician and psychologist that, because of a mental, emotional or a physical defect or infirmity, the child is unable to walk the required distance to and from school. In certain cases, transportation is paid to and from another district, a BOCES facility, a private or state residential school.

3) Tuition -- Orders for handicapped children will be approved for a pupil who attends an approved special class for handicapped children in a school district remote from his home. Need for tuition will be determined by recommendations of a qualified physician, an approved psychologist and of the local superintendent of schools. Approved rate

of tuition established by the school district will be accepted.

4) Maintenance -- Orders for maintenance will be approved including room and board where the child attends an approved special class remote from home in order to secure better physical facilities. Need for maintenance must be established by recommendations of the school superintendent and a qualified physician.

During the 1969-70 school year 798 Court Orders were processed which provided services to 1,176 handicapped children from 3 to 21 years old (See Table 1). Estimated percentage of type of court order providing services are as follows; transportation - 65%, tuition - 20%, maintenance - 10%, and home teaching - 5%. The four types of services are provided for mentally retarded, visual and hearing disabled, emotionally disturbed, physically handicapped, and neurologically impaired children. The total allocation for 1969-70 was $1,340,000 consisting of 50% state funds and 50% county funds. (See Table 2)

TABLE I

NUMBER OF HANDICAPPED CHILDREN SERVED IN NEW YORK STATE
BY COURT ORDER PROCEEDING (4403) BY REGION AND BY CATEGORY OF
HANDICAP CONDITION

1969-1970

Region	HANDICAP									
	TMR	EMR	SED	Hearing Impaired	Visually Impaired	Physical Handicap	NI	SI	Other	Totals
Buffalo	-	14	1	28	11	20	1	17	3	95
Elmira	-	-	-	21	3	-	1	1	-	26
Rochester	-	1	-	5	2	5	6	4	-	23
Syracuse	-	-	-	29	9	3	-	2	2	45
Binghamton	-	2	-	28	3	1	-	1	-	35
Mohawk	-	-	-	8	2	12	1	1	-	24
Northern	-	-	-	39	9	11	-	3	8	70
Capital District	-	5	1	51	25	8	-	2	-	92
Mid-Hudson	-	9	4	59	9	7	3	3	1	95
Rockland-Westchester	2	6	1	2	10	1	15	-	-	37
Long Island	3	7	5	175	20	151	256	10	6	633
New York City	-	-	-	-	1	-	-	-	-	1
Totals	5	44	12	445	104	219	283	44	20	1176

TABLE 2

PERCENTAGE OF CHILDREN SERVED
BY COURT ORDER PROCEDURE (4403)

1969-1970

Services Provided by Court Order Procedure	Percent of Children*
Transportation	65%
Maintenance	10
Tuition	20
Home Teaching	5

* Estimated
NOTE: State and County Funds each allocate $670, 000 for these services.

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STATE AID TO NON PUBLIC SCHOOLS FOR INSTRUCTION
OF HANDICAPPED CHILDREN-ED LAW, ART. 89, SECTION 4407

1969-1970

Program Summary

When no adequate public facilities are available for the instruction of a child with an unusual type of handicap or combination of handicaps, section 4407 of the Education Law authorizes the State Education Department to contract with a private educational agency. The law provides that the State will pay up to $2,000 to a private agency within or outside N. Y. State for each eligible child served. If the cost of education of such a child exceeds $2,000, the parents or private agency must bear the burden.

This statute was enacted in 1957 based on the realization that unusual combinations of handicapping conditions may exist which make it extremely difficult for a local school district to provide adequate necessary educational services for a given severely handicapped child, and there are no adequate state facilities within the State. Section 4407 is intended to be invoked when all possible alternatives within the state supported system have been exhausted. It is meant to be an alternative to public or state programs, rather than a substitute. During the 1957 school year, the program served five children at the cost of $10,000. Since the program's inception, it has shown a phenomenal growth to the point where it served 5,257 during the 1969-70 school year at a cost of $11,000,000 (See Table 1).

Table 2 shows the distribution of handicapped children aided under Section 4407, by region and by type of handicap Table 3 shows the distribution of

4407 cases by region and by age range. All categories of handicap conditions are served by the program. During the 1968-69 school year 47 out-of-state schools, in 14 states served 351 N. Y. State handicapped children. The remaining children were served by private schools within N. Y. State.

TABLE I

NUMBER OF CHILDREN AIDED
AND TOTAL AID UNDER SECTION 4407

1957-1970

School Year	Number of Children Aided	Total Aid
1957-58	5	10, 000
1958-59	10	20, 000
1959-60	12	24, 000
1960-61	28	56, 000
1961-62	29	58, 000
1962-63	31	62, 000
1963-64	33	66, 000
1964-65	52	104, 000
1965-66	65	130, 000
1966-67	1, 600	3, 200, 000
1967-68	3, 100	6, 200, 000
1968-69	4, 000	8, 000, 000
1969-70	5, 257	11, 000, 000

TABLE 2

NUMBER OF HANDICAPPED CHILDREN SERVED IN NEW YORK STATE
BY SECTION 4407, EDUCATION LAW, BY REGION AND BY CATEGORY OF
HANDICAP CONDITION

1969-1970

Region	HANDICAP							
	TMR	EMR	SED	Hearing Impaired	Visually Impaired	Physical Handicap	NI	Totals
Buffalo	266	37	13	4	6	52	23	401
Elmira	26	1	1	-	1	-	3	32
Rochester	68	11	94	1	2	10	18	204
Syracuse	74	3	7	-	-	2	7	93
Binghamton	17	3	1	2	-	2	6	31
Mohawk	20	-	3	-	-	5	2	30
Northern	63	1	2	-	-	1	2	69
Capital District	116	4	22	-	2	26	21	191
Mid-Hudson	90	3	21	-	3	7	29	153
Rockland-Westchester	121	9	113	3	9	33	88	376
Long Island	328	19	253	9	2	18	53	682
New York City	983	159	935	18	60	215	625	2995
Totals	2172	250	1465	37	85	371	877	5257

TABLE 3

NUMBER OF HANDICAPPED CHILDREN SERVED IN NEW YORK STATE
BY SECTION 4407, EDUCATION LAW, BY REGION AND BY AGE RANGE

1969-1970

Region	AGE RANGE				
	Birth-5	5-10	10-16	16-21	Totals
Buffalo	-	179	152	70	401
Elmira	-	26	4	2	32
Rochester	-	94	87	23	204
Syracuse	-	49	30	14	93
Binghamton	-	10	6	15	31
Mohawk	-	19	5	6	30
Northern	2	39	22	6	69
Capital District	1	117	58	15	191
Mid-Hudson	-	83	49	21	153
Rockland-Westchester	6	172	156	42	376
Long Island	8	357	223	94	682
New York City	21	1339	1209	426	2995
Totals	38	2484	2010	725	5257

FEDERAL PROGRAM FOR TEACHER TRAINING

1969-1970

Program Summary

The Mental Retardation Facilities Act (P. L. 85-926 as amended) allocates Federal funds to assist in the training of teachers of handicapped children. Stipends are granted to individuals who are enrolled in a summer program or short-term institute which provides advanced training leading to certification in special education in both public and private schools. Teachers who receive certification are qualified to serve all types of handicapped children. Each grant amounts to a maximum of $900, one-half of which goes to the recipient as a stipend. The remaining half goes to the college or university. The Division for Handicapped Children of the State Education Department administered $200, 000 in the form of Federal grants during the 1969-70 school year. Approximately 225 students received those grants during the same school year.

STATE PROGRAM FOR TEACHER TRAINING

1969-1970

Program Summary

This State training grant program for teachers of handicapped children provides financial assistance to individuals enrolled in special education programs. State grants assist college students in qualifying for State certification to teach handicapped children. These teachers are eligible to teach all grade levels in elementary and secondary schools, both public and private. These grants, which vary in amount according to course load and college attended, are available to full-time students enrolled in a regular program leading to a degree in special education. This State program does not provide funds to individuals enrolled in short-term institutes as does the Federal program. During the 1969-70 school year approximately 275 individuals received grants of varying amounts from the State. The total cost of this program for the same year was $225,000.

IN-SERVICE PROGRAM FOR
TEACHERS OF HANDICAPPED CHILDREN

1969-1970

Program Summary

The Bureau of Inservice Education is not directly engaged in funding programs for handicapped children. However, the Bureau is involved in several inservice efforts that were specifically designed for teachers who are working with handicapped children. These programs are provided in public schools and at various colleges throughout the state. During the 1969-1970 school year four programs were administered by the Bureau of Inservice Education for special education teachers:

1) Program in Learning Disabilities;
   Port Chester Schools, 50 participants

2) Identifying and Working with the Perceptually Handicapped;
   Keuka College, 40 participants

3) Workshop on Interdisciplinary Language Disabilities;
   State University College at Buffalo, 45 participants

4) Institute for Teachers of Children with Learning Disorders;
   State University College at Buffalo, 25 participants

FUNDING TO SCHOOLS OF ORPHAN ASYLUMS

1969-1970

Program Summary

This program provides educational programs to children in orphan asylums. The objective of this program is to provide an appropriate and adequate education program which facilitates the rehabilitation of the handicapped (and deprived) children who reside in orphan homes. This program allows the handicapped orphan the opportunity to receive an education which approximates that received by a non-handicapped child. The Bureau of Elementary School Supervision administers the program for the schools of the child care institutions. The institutions themselves are under the direction of the Department of Social Services. During the 1969-1970 school year 2, 752 children between the ages of 6 and 18 were served by this program. Government sources provided $403, 000 to this program during the 1970 fiscal year. This represents approximately 30 percent of the program cost. The sources of the remaining 70 percent of the funding were not reported.

SPECIAL SCHOOL DISTRICTS
FOR INSTITUTIONAL SCHOOLS
1969-1970

Program Summary

This program provides financial and administrative assistance to various institutions throughout the State for the purpose of operating education programs for the children in residence. An act of the State Legislature created special school districts, similar to public school districts, for eleven institutions in the State. These residential institutions serve educationally deprived and emotionally disturbed children between the ages of 5 and 17 (approximately). The children are assigned to these schools by Family Court recommendation or by the request of parents (or guardian). The special school districts for institutional schools allow these institutionalized children the opportunity to receive the same education as non-institutionalized children. The program provides similar services as public school systems and is subject to similar regulations. During the 1969-70 school year approximately 2, 000 children were served by this program. The State provided $777, 000 for the operation of these school districts. Private sources provided $5, 721, 000 making the total program cost for that year $6, 496, 000. The eleven institutional school districts are listed below:

1) St. Christopher School; Dobbs Ferry, New York

2) Childrens Village; Dobbs Ferry, New York

3) Wiltwyck School; Yorktown Heights, New York

4) Berkshire Farm for Boys; Canaan, New York

5) Lakeside School District #14; Spring Valley, New York

6) George Junior Republic; Freeville, New York

7) Graham Home for Children; Hastings-on-Hudson, New York

8) Randolph Children's Home; Randolph, New York

9) Cottage School; Pleasantville, New York

10) Greer Children's Community, Hope Farm; Dutchess County, New York

11) Union Free School District #3; Hawthorne, New York

APPENDIX A

SURVEY OF LEGISLATION PERTAINING TO HANDICAPPED CHILDREN, AS INDEXED UNDER PHYSICALLY OR MENTALLY HANDICAPPED CHILDREN, IN MC KINNEY'S CONSOLIDATED LAWS OF NEW YORK STATE

Survey of Legislation Pertaining to Handicapped Children, as indexed under Physically or Mentally Handicapped Children, in McKinney's Consolidated Laws of New York

NOTE: Handicapped children are those suffering from physical handicaps, mental retardation, or emotional disturbance.

General Considerations for the Survey: Particular attention is directed to the identification of the following factors:

1. Equality of educational rights for all handicapped children, regardless of the category of handicaps.

2. Equitable treatment for handicapped children, especially cost differentials for their families when comparable service is provided under alternate legislative provisions.

3. Guarantees of comparable continuing service to handicapped children under New York City's decentralization.

4. Differentiation between mandated and permissive provisions for specific services and categories of services.

5. Internal inconsistencies within the relevant legislation.

The Laws: A synopsis

Social Welfare Law, Section 371, definitions.

1. "Child" means any person actually or apparently under sixteen years of age.

8. "Defective child" means a child who is insane, epileptic or feeble-minded.

9. "Physically Handicapped Child" means a child who by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury or disease, is or may be expected to be totally or partially incapacitated for education or for remunerative occupation as provided in the education or for remunerative occupation as provided in the Education Law or handicapped as provided in the public Health Law.

396-Mandates provision of any or all health and welfare services and facilities, authorized by law and made available by public welfare districts and/or towns to public school children, to children in non-public schools in so far as requested by the non-public school authorities (including, but not limited to health, surgical, medical, dental and therapeutic care and treatment, and corrective aids and appliances).

398-Mandates that public welfare officials, as to defective and physically handicapped children,

a) obtain admission to state and other suitable schools, hospitals, other institutions, or care in their own home or in family free or or boarding homes or in agency boarding homes for such children in

accordance with the provision of the Mental Hygiene Law, Education Law and acts relating to the family court.

b) Maintain supervision over such defective or physically handicapped children as are not in institutions, hospitals or schools or under the jurisdiction of the family court.

6. a) Investigate family circumstances in order to determine what assistance, care, supervision, or treatment is required.

b) Provide and pay for expert mental and physical exams.

c) Provide medical and surgical care in a suitable hospital or in the child's home.

d) Ascertain financial ability of parents, and collect what they are able to pay toward care.

e) Collect sums ordered by family court to be paid for children discharged to such officials.

f) When judged advisable, accept the surrender of a child by an instrument in writing in accordance with the provisions of this chapter.

g) Place children in family homes, agency boarding homes or institutions under the proper safeguards. Institutions must be authorized and organized under the laws of this state.

h) Supervise children who have been cared for away from their families until 21 yrs. of age.

399-Mandates that commissioners of public welfare cooperate with State institutions to ascertain the conditions of the home and the character and habits of the parents of a child before his discharge from a State institution and make recommendations as to the advisability of returning said child to his home.

NOTE: 398 covers welfare officials, 399 only those districts with welfare "commissioners."

Public Health Law, Section 356

1. Authorizes county board of supervisors, where no county or part county health district has been established, to appoint a medical director of the physically handicapped children's program.

660 - State aid; physically handicapped children
1. Legislature shall appropriate amount sufficient to pay one-half of all claims paid by a county or NYC for purposes in the manner specified in 660, 661, 2580-2584. But payment may be withheld if service does not confrom with requirements or the child is not physically handicapped as defined in 2581.

661 - Such child residing on Indian Reservation, 100% of expended amount to be reimbursed by State.

700 - The Pub. H. Dept. is designated as the agency to administer the provisions...of any act of congress which relates to..the care and treatment of physically handicapped children.

2580 - Physically Handicapped Children; Policy. Provide medical services for the rehabilitation of physically handicapped children. The commissioner shall establish regulations and procedures for implementation.

2581 - Definitions:

1. "physically handicapped children" - persons under 21 handicapped by reason of a defect or disability, whether congenital or acquired by accident, injury, or disease, or who are suffering from long term disease (including in part cystic fibrosis, muscular dystrophy, nephrosis, rheumatic fever and rheumatic heart disease, blood dyscrasies, cancer, brain injury, and chronic asthma) or from any disease or condition likely to result in a handicap in the absence of treatment, provided, however, no child shall be deprived of a service under the provisions of this chapter solely because of the degree of mental retardation.

2. "medical service" - such diagnostic, therapeutic, and rehabilitative care by medical and paramedical personnel, including hospital and related care, and drugs, prostheses, appliances, equipment and devices as necessary.

2582 - Duty of the Department

1. Department is <u>mandated</u> on its own initiative to provide such medical services as needed, within the limits of its appropriation.

2. The various authorized health officials may order medical service paid by the county.

3. Such officials may order the person charged with liability for the child's care to pay all or part of the expenses for such service, such order to be reviewable by family court (under Family Court Act, Section 232). Such officials may apply to family court, under FCA 232 for an order compelling payment.

4. By filing the order with the designated fiscal clerk.

5. Service under subdivision 2 may be provided after age 21 if ordered before age 21, but only until 18 months after the date of such order.

6. Ineligibility for medical assistance under Title II article 5 of social services law not a bar under this title.

2583 -1. Service to be provided according to rules and regulations of commissioner, which may relate to:

a) Defects, disabilities, diseases and conditions eligible and the type and extent of care that may be offered.

b) Professional personnel qualifications.

c) Standards of care.

d) Limitations on fees and rates.

e) Standards and procedures of administration.

2. Shall not apply when:

a) permanent custodial care is required.

b) institutionalized in mental, correctional, or penal institution.

c) judged as may not be expected to benefit from such medical services.

d) parents or guardians reject on religious grounds.

2584 -1. Transportation may be included under 2582-1.

2. Transportation may be included under 2582-2.

Family Court Act, Section 115.

Exclusive original jurisdiction over 1) proceedings concerning physically handicapped and mentally defective or retarded children.

231 a) Jurisdiction over mentally retarded children as defined in b), except that jurisdiction beyond age 16 is confined to this part (Part 3) of article 2.

b) "child with retarded development" means a person under 21 who by reason of retarded mental development is or may be expected to be totally or partially incapacitated for education or remunerative occupation.'

232 Education and Medical Services

a) Jurisdiction over physically handicapped children

1. May accept certificate of the education department as to educational needs, including home teaching, transportation, scholarships, tuition or maintenance; in care of apparent mental defective may order examination, as provided in mental hygiene law and upon affirmative finding may commit child under provision of MHL; may order service according to certificated needs (above), which service shall be a charge upon the governing body liable, except that home teaching and scholarships may not be ordered for children with retarded mental development.

2. Medical Service - review of order for payment by person liable, and power to compel payment (as provided in PHL 2582).

b) May order medical, surgical, therapeutic, or hospital care or treatment for any child within the jurisdiction.

c) "phc" means person under age 21 who by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury or disease, is or may be expected to be totally, or partially incapacitated for education or for remunerative occupation, as provided in the education law, or is physically handicapped, as provided in PHL 2581.

233-a) In counties outside New York City, cost and maintenance of child committed, placed, or detained shall be a charge upon county, or city if child is found therein except as otherwise agreed between city and county.

b) Power to compel parent or other liable person to pay for services, subject to punishment as for criminal contempt.

c)i Home district mandated to pay "victim" district
ii State must pay "victim" district for children who are state charges as defined in social welfare law.

234 - Educational and Medical Service within New York City

Essentially as in 232 a)

Definition of "phc" under paragraph one of subdivision a) of section 556-18.0 of New York City administrative code.

235 - Compensation and liability for support and care in counties within New York City

Essentially as in 233 a) and b), without provision for punishment.

Insurance Law, Section 253

Subdivision 2 - a "family contract" must cover any unmarried child, regardless of age, who is incapable of self-sustaining employment by reason of mental retardation or physical handicap and who became so incapable prior to attainment of age 19, so that such child may be considered a dependent. Every such family contract issued by a hospital service or medical expense indemnity corporation shall provide that in the event that any person, other than the contract holder, is no longer entitled to benefits under such contract because he is no longer within the definition set forth in the contract, such person shall be entitled to have issued to him by the corporation, without evidence of insurability, upon application therefore and the making of the first payment thereunder, within thirty-one days after the date he is no longer entitled to benefits under the family contract, an individual contract of the type and class of direct payment contract then being issued by such corporation to new subscribers and which provides to such person benefits most nearly comparable to his benefits under the family contract.

Mental Hygiene Law, Section 120

11 listed state hospitals are to provide for the care, treatment, training and education of the mental defectives of the State, preference to be given in admission, care, treatment, training and education to persons whose estates or for whom the persons liable to provide support have insufficient ability to pay for such care, treatment, training and education in licensed private facilities.

Such care, treatment, training and education limited to residents, persons whose residence cannot be determined or who, for humane reasons, are received pending removal to home state or county.

Mandates provision by department, under regulations of commissioner of mental hygiene, of suitable hearing tests for patients in state schools who do not speak, are hard of hearing or are suspected of deafness, and provision of suitable hearing aids and the remedial efforts as needed to overcome this handicap and ascertain true intelligence level of such patients.

Mandates provision of same training and education for children 5 to 21 in State schools to which they are entitled under Art. 89 of Education law (sections 4401 et. req.) in local districts, such training and education to be adapted to mental attainments of such children.

Education Law, Section 904

Examinations by medical inspection (Medical)...names of pupils not furnishing health certificates as provided in 903 or are handicapped as defined by article 89, shall be examined by physician for defective sight, hearing or any other physical disability tending to prevent them from receiving the full benefit of school work, or requiring a modification of such work to prevent injury to the pupils or to receive the best educational results...Parents to be notified and pupils to receive relief. If the parents or guardians are unable or unwilling to provide necessary care and relief, that fact shall be reported to the medical inspector, whose duty it shall be to so provide.

1001 - Title -"Vocational Rehabilitation Law"

1002 - Definitions

1. "Handicapped person" means any person who in the judgment of the (education) department is under a physical or mental disability which constitutes a substantial handicap to employment but which is of such a nature that vocational rehabilitation services may reasonably be expected to render him fit to engage in gainful employment, and also any person under a physical or mental disability which constitutes a substantial handicap to employment and for whom vocational rehabilitation services are necessary to ascertain his rehabilitation potential.

2. "Person who is under a physical or mental disability" means an individual who has a physical or mental condition which in the judgment of the department limits, contributes to limiting, or, if not corrected, will result in limiting his activities or functioning.

3. "Substantial handicap to employment" means a physical or mental disability, which (in light of attendant medical, psychological, vocational, educational, cultural, social or enviornmental factors) impedes an individual's occupational performance, by preventing his obtaining, retaining, or preparing for a gainful occupation consistent with his capabilities and abilities. - remainder of section defines gainful occupation, services, and rehabilitation procedures.

1003 a) Any eligible handicapped person may apply for advice and assistance regarding vocational rehabilitation.

b) To the extent funds are available under federal social security, the state may furnish vocational rehabilitation to social security beneficiaries.

1004 - Mandates that education department 1) adopt rules and regulations to carry out provisions of vocational rehabilitation law; 2) provide services through public or private instrumentalities; 3) enter into reciprocal agreements with other states to provide services for eligible persons; 4) engage in and contract for studies and reports of the cost for the construction of facilities; 6) cooperate with other state and federal agencies to implement law.

1005 - Authorization to accept gifts and donations

1006 - New York accepts law of U.S. and mandates board of regents to cooperate with any federal agency designated to aid disabled persons, and appoints commissioner of taxation and finance and state comptroller joint custodians of federal funds under any special aid enactment for the disabled.

1007 - Records of persons served under vocational rehabilitation law are to be kept confidential under Section 4504 of the civil practice law and rules.

1008 - All necessary costs may be paid under vocational rehabilitation law or applicable federal legislation.

1009 - Board of social welfare, department of social welfare, and New York State commission for the blind and visually handicapped retain their powers granted under New York law, and are mandated to perform as required under federal law to obtain and use any available funds that the department of social welfare determines to accept and use in accord with federal law; empowerment to accept gifts.

1111: Powers and duties of county commission for special Education
1. Survey to determine special Ed needs of district.
2. Establish schools, classes, Educ. services (transportation,

home teaching) for physically handicapped.
4. Provide vocational Educ. and guidance services (general)
6. Employ director of special Educ., and other persons "necessary to cary on such special Educ. projects as it may establish, and to determine the salaries to be paid."

1604: Powers and duties of trustees, subdivision 20

To provide transportation, home teaching or special classes, as defined under 4403, 4406, 4407 for physically or mentally handicapped and delinquent children. Such services shall be granted to all such children irrespective of the school they legally attend.

1709: Powers and duties of boards of Education, subdivision 24

Same as subdivision 20 of 1604

1952: Intermediate Board of Education, subdivision 2d.

To develop program of pupil personnel services....to provide education for adults and handicapped children.

1958: Establishment of BOCES pending the creation of intermediate districts, subdivision 4d.

Provide services on a cooperative basis:...operationof special classes for handicapped children, as such term is defined in article 89 (sections 4401-4407).

2503 - Powers and duties of board of education - subdivision 11

Same as subdivision 20 of 1604.

NOTE: The cited provision of 1111, 1604, 1709, 1952, 1958, and 2503 are mandates.

3208: Attendance of minors, proper mental and physical condition.

1. Attendance required only if in proper mental and physical condition.
2. Attendance not required if it would endanger health and safety of self or other minors, of if too feebleminded to benefit.
3. Facilities limitations
4. Determination of condition by examination.

3216.c.5. Employment of children prohibited in the exhibition of such child when insane, idiotic, or when presenting the appearance of any deformity or unnatural physical formation or development.

3240 - In the cities of New York, Buffalo and Rochester, mandates that provision be made by the board of education for taking a school census in connection with the work of exploring part one of this article (including 3208, 3216-c)

3241 - School census in cities, except those having a population of 125,000 or more

1. Day to day census mandated
2. Such census shall include all persons between birth and 18 yrs... In case of handicapped children between birth and 21 years of age.
3. Board shall report to Education Dept. by name, age, and address those children who are blind or deaf and those having serious physical or mental defects.

3242 - School census in school districts mandates census of children from birth to age 18, on August 30, and filing with teacher or principal and district superintendent. All information required of cities by 3241 to be filed. All information regarding mentally handicapped minor mandated to be filed with superintendent of intermediate school district or board of cooperative educational services.

4117 - For physically handicapped children served under 4401-4407, the state will pay 100%.

Article 85 - Instruction of the Deaf and of the Blind

4201 - Duties of commissioner of education - power to visit listed schools for instruction of deaf or blind.

4202 - power of commissioner to regulate admissions.

4203 - All deaf children of age 3 and above, of suitable capacity, and residents of state for 1 year are eligible for admission.

4204 - 1. Provision for board, lodging and tuition, to be paid quarterly by state - mandated.

2. Instruction for 12 years, or until age 18. Permissive extension to age 21 upon recommendation of trustees and approval of commissioner.

3. Mandates state payment for children placed under 4203, while school in session.

4205 - When parents or guardians are unable to furnish clothing, mandates that commissioner apportion up to $120 annually.

4206 - 1. All blind persons of suitable age and capacity, residents of the State for 1 year, are eligible for appointment as state pupils to schools in New York City or Batavia, as specified in a) and b), or to private institutions if under age 15.

2. Appointments, except to Batavia, to be made by commissioner.

4207 - 1. As in 4204-1.
2. As in 4204-2, with instruction for 8 years, with permissive 3 year extension.

3. For those admitted before age 15, length of instruction at discretion of commissioner.
4. As in 4204-3.

4208 - As in 4205.

4209 - Same conditions of eligibility for deaf and blind as for deaf or blind, mandates per capita allowance at least double rate for deaf or blind, to be paid in same manner as for deaf.

4210: Aid for blind or deaf pupils
1. Blind or deaf student pursuing higher education, shall receive state aid, the sum of $500 per annum with which to employ persons to read to such blind pupils, or to aid a deaf student in receiving instruction. Also applies out-of-state. Also, $500 shall be available to aid a deaf student attending out-of-state (w/in 150 radius).

Article 87 - New York State School for the Blind

4301 - NYS School for the Blind continued under control of ed. dept.

4302 - Object - Furnish best known facilities for blind children to enable their finding employment, but may also furnish employment and accommodations for those unable to find work, but shall not be an asylum or hospital.

4303 - One member of board of visitors to be appointed each year by governor for 7 year term, at least 2 must be residents of Genesee County.

4304 - In case of vacancy on Board, replacement to serve remainder of term.

4305 - No pay for member of board, but compensation for expenses. Members not to be pecuniarily interested in any contract pertaining to the school buildings or supplies.

4306 - Mandates visits and inspections by board, recommendations for appointment and approval of removal of superintendent; grants such other powers and duties as prescribed by board of regents.

4307 - Superintendent, personnel of faculty, and salaries.

4308 - Admission - open to all blind persons of suitable age - if more apply than can be accommodated, proportional admission by ratio of county blind to state blind.

4309 - If space available, blind persons from outside the state may be admitted on payment of a fee fixed by the ed. dept.

4310 - Applications made as prescribed by dept., but mandates that application include certificate of county judge or clerk, or town supervisor or clerk, or city mayor, attesting to legal residence in such location.

4311 - 1. Duty of parents or guardian to provide clothing and transportation for such person - if unable mandates provision by dept.

2. Duty of parents or guardian to remove such person on order of dept. Otherwise to be removed by dept. to care of public welfare official of district of legal residence.

4312 - In case of death of any pupil whose parents or guardian do not pay for removal of his remains and burial, mandates defrayment of burial expenses by dept. and charge to public welfare district or residence.

4313-14 Repealed.

4315 - All moneys expended shall be drawn by vouchers approved by the commissioner.

4316 - Construction, alteration, improvements and repair of buildings to be according to Section 127 of the State finance law, as far as applicable, under which the ed. dept. shall be the dept. having jurisdiction.

4317 - Mandates that dept. purchase all necessary equipment.

4318 - School empowered to receive bequests or donations, and entitled to receive copies of all books and other publications distributed gratuitously by the state to township or county libraries, common schools, academies, colleges and societies.

Article 88, New York State School for the Deaf

4351 - Establishes NYS school for the deaf, under control of ed. dept.

4352 - Object - To provide deaf or deaf and otherwise additionally handicapped children of state who may be expected to profit from instruction, such educational opportunities as will enable them, as far as practical, to be useful and well-adjusted citizens of the state.

4353 - Advisory board of visitors - 1. 9 members, appointed by regents for 5-year terms, at least 2 residents of Oneida County and a majority resident within 50 miles of the school.
2. Vacancies to be filled for remainder of term.
3. No pay to members, but expenses paid; must not be pecuniarily interested in any contract pertaining to the administration of school.
4. Mandates visits and inspection, and authorizes such other powers and duties as prescribed by regents.

4354-Superintendent and other personnel.

4355 - Requisites for admission - as in 4310 for blind, with admission without charge for each individual care as dept. deems expedient and proper.

4356 - Applications as prescribed by dept. including evidence of legal residence and other information as dept. may require.

Article 89 - Physically and Mentally Handicapped, Emotionally Disturbed, Delinquent and Non-English Speaking Children

4401 - Definitions

1. A "handicapped child" is one who, because of mental, physical or emotional reasons, cannot be educated in regular classes but can benefit by special services and programs to include, but not limited to, transportation, the payment of tuition to BOCES and local school districts, home teaching, special classes, special teachers and resource rooms - lacks definition of "child".

4402 - Mandates that the Education Department 1) maintain a register of handicapped children and use all means to meet the physical and educ. needs of these children.
2. Stimulate all private and public efforts designed to relieve, care for, car or educate handicapped children and to coordinate such efforts.
3. Formulate rules and regulations pertaining to the physical and educational needs of such children as the commissioner of education shall deem to be in their best interests.

4403 - Procedure through family court: Cost of Educational Services

1. Mandates that Educ. Dept. provide within limits of the appropriation home teaching, transportation, scholarships in non-residence schools, tuition or maintenance and tuition in elementary, secondary, higher, special and technical schools for handicapped children from Education Department funds when not otherwise provided by parents, guardians, local authorities or by other sources, public or private.

2. The cost is charged initially against the county or city in which any such handicapped child resides, one half to be reimbursed by the state if all requirements of law have been met in expenditure, services and auditing.

4404 - Duties of School Districts

1. Mandates that board of education ascertain number of handicapped children in district under age 21.

2. a) Mandates that Board of Education furnish suitable educational facilities for handicapped children by means of home teaching, transportation to school or by special classes, the need of the individual child to determine which of such services shall be rendered. Mandates that where 10 or more handicapped children can be grouped homogeneously in the same classroom for instructional purposes such board establish such special classes as may be necessary to provide instruction adapted to the mental attainments and physical conditions of such children.

b) Permissive proviso, to permit such Board of Education to contract for such classes with school for handicapped children existing in district, incorporated under laws of N.Y., and adequate to provide such instruction.

3. If less than 10 such children in district,...power to furnish suitable facilities by means of home-teaching or transportation to school...Power to contract w/other district, BOCES or vocational education and extension board for such services...

4. Mandates that with over 10 H.C. in district, the Board of Education provide instructions and facilities for children 5-21 yrs. or contract for such services and that Board of Education conduct special examinations to test chronic "underachievers" to determine if such a child is incapable of benefiting thru ordinary classroom instruction, and can profit from special educ. facilities.

5. Mandates provision of transportation to and from special classes as outlined in subdivision 4 of this section or section 4406, irrespective of school such children legally attend.

a) Provision of subdivision 4 of this section shall apply only to children having IQ not less than 50.

4405 - State Aid

1. State Aid is limited to reimbursement for expenditures for approved special classes for children as defined in 4401 and cost of salaries of 1) approved special teachers in home, hospital or other institutions, 2) approved special teachers assisting regular classroom teachers, 3) approved psychologists.

2. Reimbursements for excess of cost of such instructional services during the preceding school year over the equalization base allowable for such pupils pursuant to 3602 and 3602-a...Such reimbursement may not be greater than $14.25 X total WADA as used in the computation of the apportionment to such district for such preceding school year pursuant to 3602 and 3602-a.

3. Amount of contract or tuition charges paid to another district for such special classes to be counted under subdivision 2.

4. Consent of commissioner required for special classes of less than 10 such pupils.

5. In district with less than 10 pupils contracting with a BOCES, cost included in computation of district aid, but not BOCES or vocational education and extension board aid.

6. Transportation reimbursed under 3602 only for reasonable distance.

7. Expenses under this section not considered under any other state aid program.

8. Reimbursement only for services provided by commissioner's regulations.

9. If two-way telephone system used, pupils counted in daily attendance for purposes of 3602.

4406 - Special Classes for Certain Handicapped Children

1. With eight or more CRMD (IQ 50) in district, mandates provision of classes, instruction and training adapted to the mental attainments of such children under regulations to be established by the commissioner of education, except as in subdivision 2.

2. With less than 8 CRMD (IQ 50) in district (or 8-20) mandates that contract with other district, BOCES, or vocational educ. and extension board of a county for instruction and training of such children.

4407 - Special provisions relating to instruction of certain Handicapped Children

1. The Educ. Dept. is authorized to contract with an educational facility located w/in or w/out the state which can provide Educ. services, for handicapped child w/unusual disability. The dept. is further authorized to expend a sum not to exceed $2,000 per annum for each pupil. (No adequate public facilities for instruction of such a child).

2. Mandates that for each such child his district of residence reimburse state at rate of difference between per pupil operating expense, under subdivision 5a of 3602, or the limitation on operating expense, under subdivision 5b of 3602, and the per pupil aid under subdivision 5b of 3602. Such amount as must be reimbursed may be deducted by comptroller from funds due the district, and the amount deducted shall not be included in the operating expense for aid under subdivision 5 of 3602.

3. Mandates that ed. dept. maintain register of facilities qualified to meet needs of such child, and determine eligibility of facility to receive funds under this section.

4501 - Establishment of Camps by School Districts and Appropriations Authorized

1. A school district is authorized to establish camps...but no child shall be entitled to free education, recreation, etc., in any such camp for a period in excess of two weeks, unless the B of E prescribe and direct that physically handicapped or other children be maintained for a longer period. Section does not apply to B of E NY City.

4502 - Establishment of camps by city school districts and appropriations authorized.

1. Essentially as in 4501 - 1.

APPENDIX B

ANALYSIS OF NEW YORK STATE LAWS ON PROGRAMS OF EDUCATION FOR HANDICAPPED CHILDREN

ANALYSIS OF NEW YORK STATE LAWS ON PROGRAMS OF EDUCATION FOR HANDICAPPED CHILDREN

Paul M. Whitaker*

This report reflects a review of legislation of the State of New York authorizing programs of education for handicapped children. This analysis has disclosed a general inequity of educational rights for handicapped children under the laws; inequitable treatment and substantial cost differences to both families and government sub-divisions; absence of guarantees of continuing educational services for handicapped children under New York City's decentralization; and serious internal inconsistencies within certain legislative provisions. The review covered legislation through the 1969 session of the New York legislature.

Analysis of Legislation Authorizing Educational Programs for Handicapped Children

The specific educational rights authorized vary not only with the general law (Social Welfare, Public Health, Family Court, Mental Hygiene, Education), but also with the particular section of each law that is applied. This inequality arises primarily from inconsistent policy, poor legislative draftsmanship, and piecemeal enactment -- all resulting in considerable internal statutory inconsistency. In addition to the many problems associated with the legislation, the Department of Correction maintains educational facilities for handicapped children for which there are not specific statutory provisions.

There are three stages at which the development of effective programs to educate handicapped children can break down. The first is the design of the basic program — that is, the stage between the identification of the need for a new or different program and the proposal of a program to correspond to the need. The successful completion of this stage is the responsibility of the individual State department. The second stage is the translation of a program into useful, viable legislation. Inconsistencies among legislative provisions suggests strongly that there customarily has been an absence of careful examination of previous legislation and planning to coordinate the new legislation with the existing law. The third stage is implementation of the new law. Since few of the laws provide for any sort of continuing review, the question of what happens in practice is a programatic rather than a legislation consideration.

The provision of educational services for handicapped children is secondary under State laws except under the Educa-

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*The author is a second-year student at the Yale University School of Law.

tion Law. The Mental Hygiene Law is primarily concerned with the restoration of mental health and well-being. The Social Welfare Law is directed to care and treatment generally, while the Public Health Law concentrates on medical services. Finally, the Judiciary Law permits the Family Court to intervene in practically any area of service to the handicapped children, and to order the provision of services that no department or governmental entity can undertake solely on its own.

Services under section 4403 of the Education Law, which are provided only by order of the Family Court, may be far broader than the service available through the programs of any department. Nevertheless, the Family Court may order the 4403 services only upon the recommendation of the Education Department. Services that may be provided under 4403 are home teaching, transportation, scholarships in nonresidence schools, tuition or maintenance and tuition in elementary, secondary, higher, special and technical schools for handicapped children. Of these services, only transportation, care in special schools for the deaf or blind, vocational training in regular or special classes, or $2000 maximum support for residence or nonresidence special schools under section 4407 of the Education Law, are regularly available to handicapped children except through section 4403. While other legal provisions provide for a variety of payment provisions, section 4403 divides the cost of court-ordered services equally between the state and the county of residence. A serious inconsistency arises from the power of the Family Court, under section 232 of the Family Court Act, to order -- apparently on its own initiative -- scholarships for handicapped children without fiscal restriction to nonresidence schools, as well as all other services listed under 4403. The costs of all such service orders by the Family Court are chargeable initially against the county of residence, but the provision for 50% state payment are limited to the services listed under 4403. Therefore, the entire cost of scholarships in residence schools must be borne by the county.

The Social Welfare law reaches individuals only to age 16 who are either defective (insane, epileptic or feeble-minded) or physically handicapped. The question inevitably arises whether persons between 16 and 21 are eligible under Section 371 for Social Welfare Law services by reason of the Public Health Law definition (Section 2581).

On the other hand, since section 371 of the Social Welfare Law also reaches individuals who are declared "juvenile delinquents" or "persons in need of supervision" (defined in part as ungovernable males under 16 or females under 18), one way to provide continuing service beyond age 16 would be to classify a child -- particularly one who is emotionally

disturbed and therefore not directly eligible under section 371 -- as either a juvenile delinquent or a person in need of supervision. Under this classification, such a person would normally be transferred to the care of the Department of Correction upon the termination of Social Welfare eligibility. Although this procedure may actually be practiced, it appears open to gross abuses of children's rights and incapable of providing wholly satisfactory service to the handicapped.

Section 660 of the Public Health Law provides for 50% reimbursement to counties for expenditures to serve handicapped children as defined above. The section also requires the department to provide to all handicapped children to the extent of appropriations full medical services except in cases for permanent care or institutionalization or cases of the child's inability to benefit. If the child comes under the exclusion of section 660, there is no provision made for him in the Public Health Law, and he apparently reverts to the less medically-oriented Social Welfare or Education Laws.

The Family Court Act establishes jurisdiction in the Family Court over all physically handicapped and mentally defective or retarded children, with jurisdiction over retarded children between ages 16 and 21 apparently limited to adjudication without the power to enforce subsequent orders. Depending on the interpretation of "mentally defective" in Section 115, the emotionally disturbed may or may not be covered. The restricting phrase, plainly stated, is one of the worst in an especially bad set of laws. Aside from the questions of interpretation, the Family Court may order the expenditure of virtually any amount of money for virtually any purpose relevant to the education of the handicapped other than the mentally retarded. The Education Law -- Sections 4403 and 4407 -- is broad but Section 115 does not provide for any state reimbursement to the counties, or any direct payments by the state for services ordered. Again, reimbursement is available only for services ordered under Section 4403 of the Education Law.

Under section 253 of the Insurance Law, an unmarried child regardless of age who is incapable of self-sustaining employment by reason of mental retardation or physical handicap arising prior to his becoming 19 must be carried as an eligible dependent on any family health insurance contract. Upon becoming ineligible under a family contract, every person covered by such family contract other than the contract holder, is eligible to have issued to him without evidence of insurability an individual contract of the form then being issued that provides most nearly for benefits comparable to those under the family contract. Effectively, this section appears to force the insurance carrier to bear indefinitely the costs of remedial care or treatment for handicapped children, except for any applicable limitations of the length of time for which claims will be paid for any one injury or malady.

The Mental Hygiene Law empowers the department to provide for institutionalized children the same training and education, suitably adaped, to which they are entitled under Article 89 of the Education Law (Sections 4401 et seq.), Even so, this section does not provide for the Education Department to visit, inspect, or otherwise supervise or examine the educational facilities.

In the Education Law, subdivision 2 of section 3208 provides that a "minor whose mental or physical condition is such that his attendance upon (regular classroom) instruction would endanger the health or safety of himself or of other minors, or who is feebleminded to the extent that he is unable to benefit from instruction, shall not be permitted to attend." The remainder of section 3208 provides for various changes in conditions that would require his attendance. However, nowhere in this section -- nor anywhere else in the legislation examined -- is there a requirement that some education training, care, treatment, or remedial service must be provided regardless of the reason for exclusion of the child from regular instruction. The services available under current legislation are applied to specific handicaps or categories of handicaps and lack broad enough "triggering" clauses to guarantee that any general or specific service necessarily be provided.

A given child might be served under vocational rehabilitation (1001 of the Education Law et seq.), special programs for the blind (4301 et seq.) or deaf (4351 et seq.) or special education arrangements (4401 et seq.). Not all categories of handicap fit under all provisions, but the services available under each, and the cost dispersion, vary greatly. For example, vocational rehabilitation services are provided directly or indirectly by the state without payment of any specific costs by the individual or local government concerned, but only to those persons who may reasonably be expected through these services to engage in gainful employment. Blind or deaf persons receive services, plus clothing and transportation, without charge in the special state schools except that no specific provision is made for the care of individuals not admitted to the state schools because of a lack of space. Finally, the costs of caring for any handicapped child (whether or not eligible under the provision for vocational rehabilitation schools for the blind or schools for the deaf, and who is served under Family Court order under section 4403) are divided equally between state and county, whereas the costs of educating or training children with retarded mental development must be borne by the local school district (under section 4406). At the same time, the costs of educating specially schooled children under section 4407 (theoretically restricted to those incapable of receiving adequate care under any other provisions of law) are borne by the parents or guardians beyond the initial $2000 paid by the state.

The various provisions of Article 89 (4401 of the Education Law et seq.) offer such a variety of approaches and payment arrangements as to suggest that the services provided and the approach taken to provide them may depend more on skill in manipulating costs and methods than on the best means of serving the handicapped children.

The laws authorizing benefits for handicapped children demonstrate that the costs to the parents of the services rendered varies greatly with the statutory provision employed. Additionally, there may be a wide discrepancy in the type and quality or value of the service irrespective of the total cost of the services or its allocation among parents and governmental agencies (e.g., costs under 4403 are shared equally by the state and county regardless of the total, but costs under 4407 are borne by the parents or guardians after the initial $2,000 paid by the state. Moreover, 4407 costs tend to be high since the cost of residence away from home is included.)

There are no specific provisions relating to New York City's decentralization. Consequently, there is no concrete reason why comparable services for handicapped children could not be continued, but there are no legal provisions to assure that they will be. In fact, under the provisions of subdivision 2 of section 2590-h of the Education Law, enacted as part of Chapter 330 of the laws of 1969, describing the powers and duties of the chancellor of the city district under the decentralization, the chancellor has the power to "establish, control, and operate new schools or programs...or to discontinue any such schools or programs as he may determine." By the tradition of statutory construction in the courts, whereby any conflict between two or more constitutionally valid provisions is resolved in favor of the applicability of the most recently enacted, the provision permitting discontinuance of programs superceeds the mandated provision of services for the handicapped.

Recommendations for Legislative Improvements

In an attempt to find a means of resolving the many conflicts in legislative provisions pertaining to services for handicapped children, I have concluded that the most viable approach would involve a basic restructuring of the laws. The main purposes of such a basic rewriting would be to eliminate conflicting definitions of both eligible categories of handicap and the types of service to be provided for each handicap, and to redesign and reduce the confusing set of alternative cost distribution procedures available for different handicaps and frequently for the same handicap. (For example, specific

provisions for the instruction of deaf and blind children appear in sections 4201 et. seq. of the Education Law, but a separate article of the Law, sections 4301 et. seq. provides for the state school for the blind, and another article, sections 4350 et. seq., establishes the state school for the deaf. Not only may blind children be served under either the 4200's or the 4300's and deaf children under either the 4200's or the 4350's, but also any blind or deaf child may alternatively be served under any other section providing services for the handicapped child generally. Moreover, the cost distribution among the city, county, state and parents or guardians varies according to the sections applied, even if the ultimate service is the same and actually provided by the same people or institution.)

The benefit of a basic consolidation of current legislation would be the elimination of the existing confusion, duplication, and overlapping provisions. Even where it is not possible to eliminate alternative approaches (since the state schools for the deaf and blind cannot accommodate all eligible children, at least some children will have to be served differently), the alternative treatment approaches could be placed together in the laws and clearly indicated as alternatives so that a rational selection could be made as to the best means of serving a handicapped child.

This revision would involve consolidation into four basic parts, perhaps as articles of the Education Law. The first of these sections would include handicaps, children, and handicapped (i.e., defining categories of eligibility). The second part would apply the services to the handicaps, specifying which services were to be provided for whom, by whom, and how, including as separate subdivisions general public services for handicapped children and specific services for given handicaps, special schools and programs, and general contracted services. The third part would establish the payment procedures and cost distribution formula, and if it were felt that alternatives should be retained at least they could be clearly, concisely stated, and brought together so that a rational and equitable choice could be made in each case. (Nevertheless, my preference would be to eliminate the alternatives, so that for each handicap plus service, there is a simple cost distribution formula.) The final part would be a consolidation of the powers and duties of other departments in the education, training, and care of handicapped children, including provisions for children who cannot reasonably be expected to profit from the Education Department's services.

Two additional considerations are worth noting. First, it might be advisable to require that the processes of diagnosing, treating, and re-examining (evaluating the treatment) for handicapped children be performed by separate, qualified

individuals. Otherwise, there is a danger that the person who stands to profit from providing the service could "find" the prerequisite handicap initially, and later "discover" the partial or complete success of his treatment without any impartial confirmation that the treatment was either necessary or useful.

Second, even in the absence of any basic reform and consolidation of the laws under review, a minimum requirement for improving the provision of services to handicapped children is the coordination of definitions for eligibility. Under the existing laws, each law has a slightly different definition of handicapped children, and the resulting confusion over eligibility (particularly when eligibility is defined specifically, or by qualification under the definitions of another law inconsistent with the specific definition as under section 371 of the Social Welfare Law) virtually precludes adequate, competent service to handicapped children.

Schematically, the approach outlined above would appear roughly as follows:

Part 1: Definitions - a) handicapped, children, and handicaps, and
b) education, training, assorted other services

2: Services - a) which services for which handicaps;
b) general public services;
c) special schools and programs; and
d) general contracted services

3: Payment Alternatives

4: Alternative approaches in the event the Education Department finds that a handicapped child is outside its direct capacity to help